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LORD LOVELACE AND THE SECOND CANADIAN CAMPAIGN, 1708-1710.¹

DURING the past four centuries six men bearing the knightly name of Lovelace have been known in English history. The earliest of these was that Sir Richard Lovelace who, in the "spacious day of great Elizabeth," amassed a fortune by sharing in the marauding expeditions of his friend Sir Francis Drake, and who aided in baffling and beating the so-called invincible Spanish Armada. Another was that audacious Lord Lovelace, celebrated by Macaulay, who abandoned King James, and took up arms for the Prince of Orange. Two were colonial governors of New York, and two were connected with English letters.

To have immediately followed Lord Cornbury in the administration of New-York province was to the advantage of the character of anyone succeeding him. By the side of the most incapable and discreditable governor of the colony, even a person of quite indifferent reputation would have shone brightly. But the character of John, Lord Lovelace, Baron of Hurley, needed no such compari-

son to commend it. He appears to have been an amiable and worthy gentleman, bearing an honorable name with dignity, and magnifying it by personal virtue. He had served his sovereign at home in positions of trust, and she now conferred on him the delicate task of assuming the government of New-York. It was hoped that he might restore a better order to affairs brought into such disgraceful confusion by the queen's cousin.

The coincidence of two governors of New York within twoscore years of each other having borne the same name has naturally led to the conjecture that they belonged to the same family. And the nearness and nature of the family-tie has been variously stated by historians. While some assert that Lord Lovelace was the nephew, a greater number have made the statement that he was the grandson of Governor Francis Lovelace. The subject, therefore, has assumed sufficient importance to justify a minute examination of the facts. As far back as the days of Henry VI. there appears in the records of Eng-

¹ From "The Memorial History of New York."

lish genealogy the name of Richard Lovelace of Queenthite, near London who purchased Bayford, in Kent. To this individual and his son Lancelot, both Francis Lovelace and Lord Lovelace traced their pedigree. Lancelot Lovelace had three sons, of whom the oldest died without issue; William, the second son, inherited the estate; and the name of the third was John. From these two brothers descended two distinct lines of issue. From William Lovelace the descent



RICHARD LOVELACE.

is clearly traceable to Governor Francis Lovelace. His grandfather and father were both knighted. His father was Sir William Lovelace of Woolwich, Kent. His elder brother was Richard Lovelace, the poet and dramatist, who died in 1658, before Francis came to New York. Francis himself, the third son, was also a poet and an artist; there is no record that

he was married. Two brothers Thomas and Dudley, accompanied him to the New World. Richard, perhaps the handsomest Englishman of his time, was among the favorites of Charles the First. His name survives, secure of its immortality, from two of the most faultless lyrics in our language.

Going back now to John Lovelace, the other grandson of the original Richard Lovelace, we find that he himself was the grandfather of that Sir Richard Lovelace who, as mentioned above, was the friend of Sir Francis Drake, and who made a fortune by sharing the latter's marauding expeditions. In the third year of the reign of King Charles I., Sir Richard was elevated to the Barony of Hurley, a seat which had been bought by his grandfather John, and from which purchase dates the removal of this branch of the family from Kent to Berkshire. The ancient manor-house of Hurley, where many generations of Lovelaces were born, was unfortunately destroyed by fire in 1835, but the historic name remains and it is also perpetuated on American soil near the banks of the Hudson. To that little Ulster County town founded by Francis Lovelace, Washington went in the winter of 1782, and was greeted by an enthusiastic assemblage. An address was delivered by President Ten Eyck which, as the ancient chronicler informs us, was happily answered by his Excellency the commander-in-chief. The first baron had two sons, John and Francis. When the third lord died, in 1697, without male issue to survive him, the barony passed to the grandson of Francis, who thus

became the fourth baron, and was the Lord John Lovelace who became governor of New York. It is thus seen that the family connection between the two governors, while there subsisted one, was too remote to be designated by any term of near relationship. Yet it is quite natural that confusion has arisen, the grandfather of Lord John being named Francis, and being also a younger son. In the genealogies, however, there is no record that this Francis Lovelace had any other brothers,¹ while those of Governor Francis Lovelace are distinctly mentioned. Indeed the whole question turns upon these brothers and therefore special effort has been made to obtain all the facts. In reply to an inquiry, Mr. Sidney Lee of London, editor of the "Dictionary of National Biography," writes as follows: "The poet Richard Lovelace had four brothers, Thomas, Francis, William, and Dudley. In their mother's will, the brothers [after Richard] are mentioned in this order." But, as is well known, in the edition of Richard Lovelace's poems, there is one addressed "To His Dear Brother Colonel F. L., immoderately mourning my brother's untimely death at Carmarthen." As Richard died in 1658, and as this had every appearance of expressing his grief at the death of Francis before him, this Francis Lovelace could not have been governor of New York in 1668-1673. Mr. Lee clears up the difficulty completely, however, by saying that this poem "describes Francis's grief for

William's death. I thus regard it as practically certain that this Francis is identical with the governor of New York. . . . The English authorities altogether ignore him in that post."

It need cause no surprise that Queen Anne should have conferred the responsible post of governor of her provinces of New York and New Jersey upon a scion of the house of Lovelace. By the very traditions of his house Lord John was strongly attached to the Protestant succession. His immediate predecessor in the barony, John, the third Lord Lovelace, is characterized by Macaulay as "distinguished by his taste, by his magnificence, and by the audacious and intemperate vehemence of his whiggism." At one time he contemptuously refused to heed a warrant for his arrest for a political offense, because it was signed by a Roman Catholic justice of the peace. He was summoned before the Privy Council, and examined in the presence of royalty itself; but he succeeded in clearing himself completely. As he was leaving the room King James called out in angry tones: "My Lord, this is not the first trick you have played me." "Sir," was Lovelace's spirited rejoinder, "I never played any trick to your Majesty, or to any other person. Whoever has accused me of playing tricks is a liar." Macaulay, who relates this incident, speaks thus in regard to his connection with the Revolution: "His mansion, built by his ancestors out of the spoils of Spanish galleons from the Indies,

¹ Berry's "County Genealogies," Kent, pp. 474, 475; Bank's "Dormant and Extinct Baronages," 3: 497-499. Banks states that the first baron had two sons and two daughters, Brodhead refers to Banks ("New

York," 2: 143. note), but not to Berry, calling the second governor the grandson of the first. Only by comparison with Berry could his mistake have been avoided.

rose on the ruins of a house of Our Lady, in that beautiful valley through which the Thames, not yet defiled by the precincts of a great capital, nor rising and falling with the flow and ebb of the sea, rolls under woods of beech round the gentle hills of Berkshire. Beneath the stately saloon, adorned by Italian pencils, was a subterranean vault, in which the bones of ancient monks had sometimes been found. In this dark chamber some zealous and daring opponents of the government had held many midnight conferences during that anxious time when England was impatiently expecting the



LOVELACE ARMS.

Protestant wind."¹ Lovelace was the first nobleman of consequence who proceeded to join William of Orange after his landing. But unfortunately he and his troop of armed retainers were attacked and defeated by superior numbers, and Lovelace was imprisoned. But the success of the prince released him, and later he took an active part in placing the crown of England upon the heads of William and Mary, and securing the succession to Mary's sister Anne. The house of Lovelace must, therefore have stood high in Anne's regard, and it was eminently deserving of distinguished rewards.

On March 28, 1708, Queen Anne's chief secretary of state, Lord Sunderland, wrote to inform the "Lords Commissioners for Trade and Plantations" that her Majesty had appointed John, Lord Lovelace, Governor of New York and New Jersey. As was customary, with the commission were usually given also a new set of instructions, and the lords of trade were requested to draw these up. But it was not till the middle of October that Lord Lovelace departed for New York. It is easy to surmise what detained him thus for more than half a year. England was then in the midst of the "War of the Spanish Succession," and stood at the forefront in the coalition of European states against France and Spain. Her American colonies felt the effect of this conflict. Where they bordered on the Spanish settlements in the south, and the French at the north, hostilities were carried on briskly, and the period is known in our annals as "Queen Anne's War." The Duke of Marlborough was then conducting the armies of his nation and its allies upon a career of almost uninterrupted success; his every battle was a victory, and every siege meant the reduction of the beleaguered place. But the spring of 1708, when Lord Lovelace received his appointment, was an especially critical period in the history of the war. The battle of Ramillies, in 1706, had resulted in completely driving the French from Belgium, and the cities of Brussels, Antwerp, Ghent, and Bruges had declared for the allies, renouncing their allegiance to Spain, and had accepted garrisons to prevent their being re-

¹ Macaulay's "History of England."

taken by their ancient masters. But early in 1708, the tide suddenly turned: fortune seemed to abandon the arms of England, and the star of France, now in league with Spain, was once again in the ascendant. The Prince of Vendôme penetrated as far as the province of Flanders; and Ghent and Bruges were quickly reduced. With these important strongholds in their possession, that of the whole of Flemish Belgium, reaching from the boundaries of France to those of the Dutch Republic, was assured. This would make the reduction of all Belgium but a question of time.

Now, therefore, if at any time, national pride as well as military duty called every Englishman of the age and rank of the Baron of Hurley around the standard of the great duke. With characteristic promptness a campaign of vigorous offensive operations was at once determined upon and instituted by Marlborough. Joining the troops stationed in Flanders, he concentrated them into one mass preparatory to withdrawing them from this province, intending to make Brussels his base of operations, as well as to prevent its being taken by the enemy. In effecting this manœuver he necessarily had to assume the appearance of a retreat, which served only to excite the French with the hope of certain victory, and sent them in eager and confident pursuit. But at Oudenarde a village on the southern confines of Flanders, and thirty-three miles directly west of Brussels, Marlborough made a sudden halt, and wheeling around he fell with well-directed and

irresistible impetus upon the astonished foe (July 11). It was "a battle fought with muskets, bayonets, and sabers. Neither of the contending parties had much artillery on the ground."¹ The manner of bringing on the action, almost a ruse on the part of the invincible duke, would account for this peculiar circumstance. The superior numbers of the French availed nothing: they were utterly defeated. Again were they driven from the Low Countries, and before the year closed more than one city of France in proximity to the Belgian border had been secured by the allies. "The annals of war," writes Sir Archibald Alison, "can afford no parallel of the skill and resolution of that immortal campaign." Evidently Lord Lovelace, besides sharing in the active operations, and perhaps also in the battle of Oudenarde itself, needed to wait till the full glory of the campaign had been reaped, and the opposing forces had retired to winter quarters, before he could be released and allowed to proceed to his seat of government in North America.

About the middle of October, 1708, Lord John embarked on board her Majesty's ship *Kingsale*. He was accompanied by his wife, Lady Charlotte, daughter of Sir John Clayton, and his three sons, all lads of tender age, John, Wentworth, and Nevil; little dreaming as they set out on this voyage that the ravages of death would permit but two of this interesting household to return to their native country. The *Kingsale*, well armed and strongly manned, was one of a fleet; for it was a time of war,

¹ Wilson's "Sketches of Illustrious Soldiers," p. 201.

and only the year before Colonel Robert Hunter, who was destined to succeed Lovelace in New York, had been captured by a French man-of-war on his way to Virginia, of which province he had been appointed lieutenant-governor; but, by reason of this detention as prisoner in France, he never qualified for office in the southern colony.

The passage proved to be a stormy one, and so rough and unpleasant was the experience to Lord Lovelace that he earnestly contended that at this season of the year not even sailors should be exposed to the terrors of the sea. "No ship ought to be sent hither from England after August at farthest," he wrote. The idea, while doing credit to Lord Lovelace's considerateness, is somewhat amusing in the light of the development of ocean navigation, as witnessed within the past year, when even "records" made in the summer season were broken in the face of November storms of unusual violence. But Lovelace could not foresee the miracles of human achievement of almost two centuries after his date. And he certainly had some reason to complain of the elements. When approaching our "terrible coast," early in December, the squadron encountered a tempest which drove the Kingsale out of her course and separated her so completely from her consorts that no trace of any of them had been found even after the governor's arrival in the city, with the exception of the *Unity*, which grounded upon a point of land at Sandy Hook, but got off without loss of life.

The Kingsale was forced to seek refuge in Buzzard's Bay. Descending

thence, after the storm had abated, she pursued her course through the Long Island Sound. Either the masses of floating ice, or the intricacies and perils of the Hell Gate channel, determined her captain to land at the village of Flushing, on Long Island. It was an unfortunate circumstance for the new governor and his family. Instead of being carried in the comfortable ship directly to the city, they were now compelled to expose themselves, during a land journey of several miles, and the crossing of the East River by ferry, to the inclemency of an unusually severe winter, in a climate to which they were not accustomed, and where this season was ordinarily much colder than in England. The winter of 1708 and 1709 is noted in history as a particularly severe one. In Europe it added to the horrors of war by destroying vineyards in sections where frost was scarcely ever known. In other parts the grain already in the ground for the next year's harvest was frozen, and poverty and famine thus stared the people of the contending nations in the face. In America it set in early, and was exceedingly rigorous: the rivers and harbors which the Kingsale passed on her way along the Sound were full of ice. That of New York, too, was made almost impassable by the masses of ice in blocks and large fields rushing up and down on either side of the city with the incoming and outflowing tides. When it is remembered what difficulty is experienced by the powerful ferry-boats of our day in crossing from shore to shore under these circumstances, it may be imagined what it must have been to effect a passage in a small

open boat across the East River, from the "ferry at Breukelen" to the city, in 1708. As it was, Governor Lovelace and two of his children caught serious colds from which none of them recovered.

On the morning of December 18, 1708, nine weeks and a few days after his departure from England, Lord Cornbury finally set foot within the capital of his province. Preparations on a liberal scale had been made for his reception. Lord Cornbury himself was present to welcome his successor, and to induct him with what grace he could into the office which it was plain to him as to every one, he had forfeited by his misconduct and inefficiency. It is not likely that the new governor was subjected to the fatigues of these inaugural ceremonies on the day of his arrival. But in honor of this event Lord Cornbury and the council had made provision for a dinner or banquet, which was served on that day in the governor's mansion in the fort.¹ When, on the next day, or a few days later, the new governor's commission was publicly announced and read from the gate at the fort, or from the City Hall in Wall street, it may well be believed, after their six years of Cornbury, that the people watched with eagerness for any signs that could give

them reason for hoping that the change in governors would be an improvement. With this purpose, many a searching glance was doubtless directed toward him as he made his first public appearance. They would then have beheld a man not much more than forty years of age, prepossessing, if not too greatly harassed by the sufferings of his trying journey; for "nature had endowed him with a



ST. BARTHOLOMEW MEDAL.²

magistick and amiable countenance," as Rector Vesey informs us in the funeral sermon he was so soon called upon to preach. A man of refinement and education, too, having graduated at the university; and of military bearing, doubtless, fresh from the glorious campaign in Flanders. A man, once more, of a kindly heart and great consideration for others placed in different and lowlier circumstances from himself; for even on that exciting day of his arrival his heart was oppressed by the uncertainty of the fate of those in the other ships; and in the first official letter,

¹ It would appear as if even this last act of providing a suitable reception for his successor gave the retiring governor an opportunity of displaying his criminal disregard of financial obligations. At least as late as February, 1712, the honest caterer Henry Swift who had been engaged to furnish the dinner, was still petitioning for his compensation which he placed at the not very exorbitant figure of £46 7s. 6d., say about \$935. ("New York Colonial MSS.")

² In honor of the St. Bartholomew massacre a medal was struck by order of the pope, Gregory XIII. It has on the obverse side a head of the pope, surrounded by lettering indicating his name and office. The reverse exhibits a destroying angel, with a cross in one hand and a sword in the other, pursuing and slaying a flying and prostrate band of heretics. The legend is: "Vgonottorvm strages, 1572." (Slaughter of the Huguenots.)

written later on this same day to the lords of trade, bearing in mind the sufferings of the poor seamen, and recommending a rule of navigation which should prevent their exposure to the rigors of a winter passage in the future.¹

But personal amiability or tender-heartedness, while it might prevent a needlessly harsh or unjust interpretation of his instructions, did not leave the governor at liberty to depart from them in the performance of his functions. Largely by reason of the execrable behavior of Lord Cornbury, the people had come to rise up in arms (figuratively speaking as yet) against the royal prerogative, and with a unanimity as surprising as it was significant, considering the serious divisions that had arisen out of the Leisler troubles; for many of those who had stood out on the side of constituted authority, and whose adherence to conservative policy had caused the sharp line to be drawn between the Leislerians and anti-Leislerians ever since, were forced into a position of antagonism to the royal claims as interpreted by the extravagant demands for money and the arbitrary exercise of his functions on the part of the ruined spendthrift and profligate who had just been superseded. It was a matter of importance to know, therefore, whether there were any modification or moderation in the royal claims in the instructions to the new governor. These, however, were in no sense different from the ones given to Cornbury. The instructions which the lords of trade, in reply to Lord Sun-

derland's request of March 28, reported on May 31, 1708, they declared to be "to the same purpose as those that have from time to time been given to the Lord Cornbury."² These were a few additional instructions prepared for Lord Lovelace in July, intending to correct some abuses which had arisen on account of certain "extravagant grants of land made by Colonel Benjamin Fletcher."³ A lengthy paper was likewise drawn up by the lords of trade, for the guidance of the governor in the affairs of the province of New Jersey, which it is needless for the purposes of this history to do more than mention here.

The council appointed to share the responsibilities and cares of government with Lord Lovelace was composed of gentlemen some of whom were members of Cornbury's cabinet, and most of whose names have already become familiar to the reader of these pages. Colonel Peter Schuyler, the first mayor of Albany, the friend of the Indians on the Mohawk, president of the convention at Albany which so long resisted Leisler's authority, was president of Lovelace's council. Next to him was Dr. Gerardus Beeckman, who had been a member of Leisler's council. Rip Van Dam and Thomas Wenham, associated with Colonel Nicholas Bayard in a measure of opposition to Lieutenant-Governor Nanfan, appear next on the list. These, with Chief Justice Mompesson, had been members also of Lord Cornbury's council. Adolph Philipse, the son of Frederick Philipse, prominent under previous

¹ "Documents relating to the Colonial History of New York," 3: 67.

² *Ibid.*, 5: 49.

³ *Ibid.*, 5: 54.

administrations; John Barberie, a descendant of the Huguenots, and connected by marriage with the Van Cortlandt family; and William Peartree, a merchant, who had been mayor of the city in the years 1703 to 1706, were new accessions to the number of royal councilors.

The first meeting of the council, after Lord Lovelace's assumption of his office, was held on January 5, 1709. The action that was then taken was one usual at the accession of a new governor. It was ordered that a proclamation be published declaring the present provincial assembly dissolved. At the same time writs for the election of a new assembly were issued, which was to take place on March 10. The assembly then elected met on April 6, their only business that day being the choosing of a speaker. This honor was conferred, or rather confirmed, upon William Nicoll, who had held the office during the six preceding years, and who was consecutively reelected for ten years thereafter, when failing health compelled him to decline. Having been duly organized for legislative action, the assembly was ushered into the presence of Lord Lovelace and his council on the next day. He administered to them the oaths of allegiance, they subscribed their names to the inevitable "Test Act," and he then addressed them in the following speech:

Gentlemen: I have called you together as early as you could well meet with convenience to yourselves to consult of those things which are necessary to be done at this time for her Majesty's services and the good of the province. The large supplies of soldiers and stores of war for your support and defense, together with those necessary presents for your

Indian neighbors, which her Majesty has now sent you at a time when the charge of the war is so great at home, are evident proofs of her particular care of you, and I assure myself they will be received with those testimonies of loyalty and gratitude which such royal favors deserve from an obliged and grateful people. I am sorry to find that the public debt of the province is so great as it is, and that the government here hath so little credit, if any at all, left; a government under a queen as famous for her prudent and frugal management at home as for her warlike and glorious actions abroad. I can not in the least doubt, gentlemen, but that you will raise the same revenue for the same term of years, for the support of the government, as was raised by Act of Assembly in the eleventh year of the reign of the late King William of glorious memory; and I hope you will also find out ways and means to discharge the debt that hath been contracted, and allow to the persons concerned a reasonable interest till the principal is discharged. To that end I desire you to examine and state the public accounts, that it may be known what this debt is, and that it may appear hereafter that it was not contracted in my time. I must in particular desire you to provide for the necessary repairs of the fortifications of the province. The barracks are so small and so much out of repair, that I have been necessitated [*sic*] to billet the recruits that came over with me upon this city, which I am sensible hath been a burthen to the inhabitants, but I hope you will soon ease them of that burthen. The fitting out a good sloop to attend her Majesty's men-of-war in their cruises on this coast, I take to be so necessary for the preserving of your navigation that I expect you will find out a proper method to defray that charge. I am willing my salary should be taxed, that I may pay my quota to so useful a service. I think myself obliged further to recommend to your consideration how to prevent the exportation of gold and silver coin out of the province, least in a short time your trade should suffer for want thereof. The queen hath nothing more at heart than the prosperity of her subjects. I shall approve myself to her Majesty in pursuing those methods that will

best conduce to that end. It shall be my constant care to promote peace and union amongst you, to encourage you in your trade, and to protect you in the possession of your just rights and privileges.¹

Here then was a clear and candid presentment of the condition of affairs in the province, and of the more pressing necessities that confronted the assembly. It was put before them in the best of tempers and with



a transparent honesty. What a contrast between that voluntary proposition of a tax on his salary to carry out the scheme of the armed sloop, and Lord Cornbury's demand for an exorbitant sum from the assemblies of both provinces! Remembering his predecessor's exceedingly loose principles in money matters, it was only natural that Lord Lovelace should wish to have it definitely understood that "the burthen of public debt" was not contracted in his time. The

¹ "Journal of the Legislative Council of New York," 1; 276, 277.

main question at issue, however, turned upon the raising of a revenue for a term of years. That had been done by act of assembly in 1702, for a term of seven years. It was now about to expire. But Cornbury's conduct had taught the colonists a lesson, and they saw the advantage of voting a revenue only from year to year, and of accompanying the

grant with specific appropriations to the purposes it should be used for. This issue prepared a battleground for years to come, resulting finally in victory and independence for the colonies. "The history of the English continental colonies during the first half of the eighteenth century was largely made up of petty bickerings between the popular assemblies and the royal governors. The principle at stake was important; a fixed salary grant would have been in the nature of a tax imposed by the crown. The acrimonious

contention was greatly disturbing to all material interests, but it served as a most valuable constitutional training-school for the Revolution."² The assembly of New York were not a whit behind their brethren of the other colonies in standing by their colors. Lord Lovelace, however kindly of heart, and described by one of their own officials as "a Gentleman of those Qualifications, Excellent temper, and goodness, that, had he lived longer with us, he would

² "The Colonies from 1492-1750," by Reuben G. Thwaites, p. 271.

have reviv'd the country from its former calamity,"¹ yet was the representative of the crown, and the representatives of the people were now abnormally sensitive to any possible encroachments on their rights, and correspondingly suspicious of the exercise of any governor's functions. They resolved not to accede to his request for the repetition of the grant for a number of years; and for this reason Bancroft exalts this peaceable and pleasant conference, the first and last session of his provincial legislature which the new governor was permitted to attend, into a distinctive and pivotal episode in the great contest which created our Republic of the United States. He does not hesitate to say of it: "The assembly which in April, 1709, met Lord Lovelace, began the contest that was never to cease but with independence."²

We turn aside, however, from these more general considerations affecting the being of the commonwealth, to note what of interest may be discovered in the history of the city during Lord Lovelace's very brief administration. At this time the office of mayor was occupied by Ebenezer Wilson, he having received his appointment in 1707, and serving until 1710. He was the son of Samuel Wilson, who had emigrated from England and had settled in New York shortly after the final cession of the province to the English in 1674. The elder Wilson had succeeded in amassing a considerable fortune, and lived in a comfortable mansion on the south side of Wall street, near what is now Pearl street.

He died in the eventful year 1689, leaving a widow and two sons. One of these followed the sea and became captain of a merchant vessel. The other, Ebenezer Wilson, like his father, attained prominence in business circles and in political life. A census of the city made in 1703 represents his household as composed of himself and wife and four children, with two male and two female white servants, beside a negro man and woman. As he lived in the paternal mansion, he was within but a few steps of the City Hall, on the corner of Wall street and the present Nassau street, where now stands the United States Subtreasury building. The simple fact of its location affords an instructive commentary in itself on the change of conditions in the city within a period of less than fifty years. In 1656 there had been an Indian massacre and for years thereafter there was still apprehension of Indian attacks; so that the citizens who lived outside the line of the palisades running along Wall street had need for special watchfulness. Now the chief municipal building stood on ground to the north, and thus outside of that line of necessary defense. The division of the city into six wards, adopted in the days of Governor Dongan, still prevailed, and each of these returned one alderman and one assistant alderman, so that the common council was composed of twelve men besides the chief magistrate. Cornbury's objectionable conduct, which has been noticed as having caused the fusion of opposing parties in provincial affairs, had doubtless had the same effect upon

¹ Doc. rel. Col. Hist. N. Y., 5: 80.

² "History of the United States" (ed. 1883), 2: 43.

local politics, for there was no repetition of the troubles which had attended the induction of Mayor Noell into office in 1702.

Mayor Wilson's municipal responsibilities were limited to a very small fraction of territory as compared with that over which extends the sway of a mayor of New York in our day. But a few scattered houses were to be found above John or Fulton street; and all the region north and west of Park Row and Vesey street was mostly unoccupied and uncultivated. The price of lots was about thirty pounds (\$150); and farms bordering on the city line, or within it above Wall street were being diligently laid out and sold for dwelling purposes. In 1703 a point of land jutting out into the Fresh-Water Pond or Creek, and called the Kalck Hoeck, was sold for about one hundred pounds. There seemed to have been no thought in the mind of the purchaser of building houses or of laying out streets. Indeed the depth of the pond there was considered unfathomable, and thus quite incapable of being filled: a theory which the sight of Centre and adjoining streets, and of the solid Egyptian walls of the Tombs effectually disproves to the citizen of to-day. The tongue of land remained for many a day a

" fairly foreland set
With willow weed and mallow,"

the resort of the angler or the huntsman in pursuit of ducks, perhaps a favorite place for summer-day parties. Those fond of a walk in the country could have had that pleasure easily gratified, even if their residence were on Bowling Green or Hanover

Square. At the corner of Maiden Lane and Broadway they would have left the houses behind them. Then passing along the line of Boston Road or Park Row, or crossing the uncultivated fields of the Commons, over the site of the Post-office and the municipal and other buildings, they would finally come to the banks of this cool lake. Yet the city itself afforded many an umbrageous thoroughfare, the sides of most of the streets being planted with beech-trees and the fragrant locust. During Mayor Wilson's term a special permission was given the residents on Broadway to plant trees (but not tie-posts for horses) along their house-fronts; while at the same time this street received a pavement extending from Bowling Green to Wall street, doubtless to facilitate attendance at "Old Trinity" in all weathers. A walk along the present Pearl street would have given as uninterrupted a view of the East River as a similar saunter along South street does to-day. Here then, as now, was the chief moorage for large sailing vessels coming from or going on long sea-voyages. But around on the other side of the island, along the North River front, virgin nature was as yet undisturbed. The shores of New Jersey, far beyond the broad stream, were not more verdant and free from the presence of shipping than those of the future location of the scores of piers for "ocean greyhounds," and the palatial steamers that swiftly cleave the waters of the Hudson every summer day. Indeed, West street itself, with all its surprising characteristics (some not very creditable to our city), had yet to be

created out of the shelving beach or submerged rocks that permitted the tides to lave the rear of Trinity churchyard.

The mode of paving the streets deserves a word. The pavements in those early days did not extend all the way across the thoroughfare. Along the houses ran a narrow foot-path of large red bricks laid flat; a sidewalk it might be called, but not, as now, raised above the level of the general roadway. Next to this ran a strip of cobblestone pavement, not above ten feet in width, measured from the line of the houses on either side. This left the center of the street in a "state of nature," of which the rain knew how to take advantage, scooping out for itself gul-

leys or gutters, by means of which so much of it as was not absorbed by the soil sought the rivers or ponds or pools. And this improvised and "self-made" sewerage, or involuntary surface drainage, was all the sewerage which the city then possessed. Yet in this way also were replenished the half-dozen wells or cisterns placed in the center of prominent thoroughfares, whence were drawn supplies of water in case of fire. Just at this time, too, "new and more stringent regulations were passed in respect to fires, the fire-wardens were directed to keep strict watch of all hearths and chimneys within the city, and to see that the fire-buckets were hung up in their right places throughout the



FRESH WATER POND, CENTRE STREET.

wards; and two hooks and eight ladders were purchased at the public expense for the use of the embryo fire department."¹ Careful and provident as the measures against fire have ordinarily been in our city, yet it is curious to observe that each of the three centuries of its history has known a general conflagration: that of 1627 or 1628, as told by Domine Michaelius; that of 1776, when the British were in occupation; and that of 1835, within the memory of men still living. Then, as always, the commerce of the city was assured, giving large returns, though not even yet without the taint of collusion with piracy. As for manufactures, the history of these had not yet begun for our great city. The citizens, indeed, were yearning to put forth their enterprise and skill and wealth in this direction. But it was systematically repressed and sternly forbidden by the mother-country. Nothing must be done to the "prejudice of our manufactories at home," was the constant reminder. Yet American industry was irrepressible. The people of the city and province were "already so far advanced," wrote Colonel Caleb Heathcote in 1708, "in their manufactories that $\frac{1}{4}$ of ye linen & wollen they use is made amongst them, esppecially the courser sort."²—The great landowner himself ached to enter upon a very important branch of industry, that of ship-building. "I hoped and believed and am morally sure, as to myself even beyond a doubt, that I could have built and furnished the crown with all the light frigates that would have

been wanted for this coast and the West Indies."³ But Heathcote had to content himself with a deliberate refusal, and bear it with the best grace a loyal Briton could. Yet the lords of trade were perfectly willing to make this country a depot for naval stores. Lord Lovelace, in a letter dated March 9, 1709, and which therefore probably never reached him, was enjoined to encourage the the making of pitch and tar, and "to consider a proper Method for preserving the Masts and Timber in the Woods, that are fit for the use of her Majesty's Royal Navy."⁴ But beyond this the American colonists must not presume to go. And thus the mother-country checked the best development of her transatlantic citizens; thus she fondly and foolishly prepared the way for their violent separation, while imagining that her course in this matter would prevent that very issue. "By restricting American manufactures, the board of trade, the ministry, the united voice of Great Britain, proposed to guarantee dependence. No sentiment won more universal acceptance. . . . The mercantile restrictive system was the superstition of that age. Capitalists worshipped it; statesmen were overawed by it; philosophers dared not question it."⁴ Unfortunately for England, it led to the Revolution, and that great shock awakened the mother-country to her folly.

The brief administration of Lord Lovelace, which some writers dismiss with a single sentence, and to which even elaborate histories of our city

¹ Miss Booth, "History of New York City," p. 284.

² Col. Hist. N. Y., 5; 63, 64.

³ Col. Hist. N. Y., 5; 72.

⁴ Bancroft, "United States," 2; 241, 242.

devote not more than a paragraph,¹ was nevertheless distinguished by two notable circumstances. Attention has already been called to one of these; that Bancroft saw in this period the beginning of that great legislative battle which resulted in our national independence. But to this administration is also to be traced the beginning of German emigration to America. Germans had been found in New Amsterdam from its earliest settlement. The first director-general, Peter Minuit, is by many thought to have been one, and it is certain that he was born in Wesel, a city of Germany. Director Stuyvesant had an opportunity to annoy a body of German Lutherans by sending back to Europe a pastor they had presumed to call. Jacob Leisler was a German, but a communicant of the German Reformed Church, and not a Lutheran, for this reason readily affiliating with and even bearing office in the Dutch Reformed Church. But not until the time of Lord Lovelace had there been any large body of German people coming over together. Such a movement has usually been thought to have commenced under his successor. But the thousands of souls that came over with Colonel Hunter formed but a wave in that great tide of emigration which had already set in toward these shores.

As Lord Lovelace was appointed in March, 1708, there was laid before the Queen in June a petition from the Rev. Joshua Kochertal, asking that he himself and fourteen other persons of the Protestant Lutheran

religion, from the provinces of the Palatinate and Holstein, might be sent to America at the expense of the English government. In this petition and in other documents that passed in correspondence on the subject, mention is made of forty-one other people of the same nationality and religion who had already been granted the privileges asked for, and who were soon to sail.² It having been carefully ascertained that these fourteen additional persons had truthfully presented their case, and that they were equally in need and worthy of aid as objects of her charity, the queen graciously gave them their wish. One strong plea in favor of these Germans at this time was, that they were sufferers at the hands of the common enemy—the French. It is not at all necessary to go back to the Thirty Years' War, which had ended sixty years before, to find the causes for their present exceeding distress.³ The Palatinate had been swept with fire and sword by Louis XIV. in 1688; and again during the war now in progress, these parts of Germany had been made to feel the brunt of the conflict until the battle of Blenheim, in 1704, had driven the armies of France back across her borders.

These fifty-five German emigrants were distributed among thirteen families, consisting of twenty-nine adults and twenty-six children, the latter ranging between the ages of fifteen years and six months. Besides the minister, the occupations of the others were as follows: eleven farm-laborers,

¹ It is worthy of mention that in Cooper's "Water Witch" there is no allusion to Lord Lovelace at all; but Governor Hunter, called "Mr. Hunter" by Corn-

bury, is referred to as immediately succeeding him.

² Col. Hist. N. Y. 5; 44, 53.

³ Mrs. "Lamb's History of New York," 1; 484.

some of whom were also vine-dressers, one a "stocking-maker," and one a blacksmith. There was also one carpenter and joiner in the party, and one is registered as a clerk. As Lord Lovelace was proceeding to America at the same time, he relieved the government of the charge of two of the men, whom he engaged as servants for himself and family.¹ The board of trade also recommended that before their departure from Eng-



Caleb Heathcote

land they be invested with the rights of British citizenship, and that the usual allowance of twenty pounds (\$100) for books and clothes to clergymen of the church of England on going out to the colonies be granted to Mr. Kochertal. Lord Lovelace was also directed to see to it that the minister received a portion

of land for a glebe, not exceeding five hundred acres.² These preliminaries having been made, the Germans were embarked upon the *Globe*, one of the vessels of the squadron which was to convey the governor to New York; and we learn from his letter to the lords of trade that, in addition to the roughness of the voyage, the emigrants and recruits upon this vessel suffered from a scarcity of water, which the others could not relieve because the tempestuous weather prevented access to her.³ In the summer of 1709 another large number of Palatines were sent over by the English government, at a cost of between three and four pounds each; they were generously supplied with agricultural implements and building tools at an expense of forty shillings each, and for their subsistence in America for one year after settlement on "waste lands" along the Hudson, provision was made at the rate of five pounds each. But some of her Majesty's subjects murmured, and "objected that should these people be settled on the Continent of America, they will fall upon Woolen and other Manufactories to the prejudice of the Manufactures of this Kingdom now consumed in these Parts." The lords of trade at once quieted these fears by reminding the objectors that the province of New York was not under a proprietary but a crown government, and hence "such mischievous practice may be discouraged and chequed much easier" there than elsewhere.⁴ Thus, in extreme poverty and feebleness, with much distress and suffering, began that

¹ Doc. rel. Col. Hist. N. Y., 5; 59, 53.

² Ibid. 5; 64, 63.

³ Ibid. 5; 67.

⁴ Ibid. 5; 87, 88.

mighty flow of German emigration which has attained such enormous proportions in our own century, and which, while supplying our entire republic with millions of valuable citizens who have called forth untold treasures from our natural resources, as well as in the way of manufacturing industries, has at the same time made New York third or fourth in rank among cities populated by Germans.

Not five months had elapsed since Lord Lovelace had landed in the city, the assembly of the province was still in session, and was about to pass upon its first act, when the whole community was startled by the news that the governor's illness, which had never left him during all his stay, had suddenly taken an alarming turn. One of his children, Wentworth, the second son, had already succumbed to the same complaint in April; another, John, the oldest, was seriously affected by it; and doubtless grief at his child's death aggravated the

father's malady. The skill of the physicians of that date could hardly be expected to cope successfully with pneumonia, which so ruthlessly and swiftly carries off its victims even to-day. Ere long, therefore, on May 6, 1709, the dreaded announcement came that Lord Lovelace had died, in the flower of his age and upon the threshold of a new and honorable career. A genuine sorrow filled every citizen, increased, it may well be supposed, by sympathy with the bereaved lady, watching by the side of the hopeless sick-bed of her eldest born, who followed his father to the grave within two weeks.¹ To give outward expression to this general and proper sentiment, insignia of mourning were everywhere apparent, and the council directed the mayor to "prohibit the acting of any play or plays and the fighting of any prize or prizes, till further orders."² A few days later (May 12) the obsequies took place, on which occasion the Rev. William Vesey preached a sermon from the

¹ It was not long after this that the line of the Barons of Hurley became extinct. The third son, Nevil, succeeded as baron in 1709, but died in 1736 without issue. At the time that the older branch failed in male descendants, and Governor Lord Lovelace succeeded to the title as fourth baron, Martha, a daughter of the third baron, became Baroness Wentworth in her mother's right. She married Sir William Noel, from whom descended Anna Isabella Noel, daughter of Sir Ralph Milbank, Lord Byron's wife. Lady Byron afterward succeeded to the title of Baroness Wentworth. Byron's daughter Ada, celebrated in "Childe Harold," was married in 1835 to Viscount Ockham. In 1838, this nobleman, who is still living, was created Earl of Lovelace, the name being revived in consideration of the fact that his wife was the representative of the family, whose name had become extinct through failure of male issue—a family whose founder appears among the six hundred and twenty-nine names of William the Conqueror's chiefs borne on the Battle Abbey Roll of 1066, who shared the lands and distinctions of the followers of the defeated Harold. What has happened to the Lovelaces has occurred to many even more illustrious English families. Alnwick Castle has been charmingly described by an

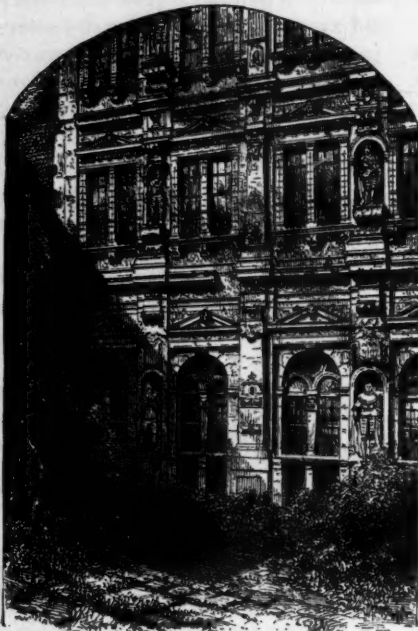
American poet, who was there in the summer of 1822, as

"Home of the Percy's high-born race;"

but the last of the line died more than two hundred years ago, and for a century the proud dukes of Northumberland have been descendants of a female branch, bearing, not the knightly name of Percy, but the prosaic one of Smithson; and it is to a member of that family that our nation is indebted for the noble endowment known as the Smithsonian Institution of Washington, D. C. See Bank's "Dormant and Extinct Baronages," 3; 498, 499; also Burke's "Peerage." In Motley's "Correspondence" (New York, 1889), 2; 301, there is this reference, under date July 26, 1838: "I went over to Lord Lovelace's . . . I like Lady Annabella King, the daughter of Ada Byron, very much. She has much talent, very agreeable manners, and a good deal of fun, plays and paints admirably, and has evidently a very sweet disposition." Page 333: "Lily [now Lady William Vernon Harcourt] goes up to town every Tuesday, generally passing the day with her friend, Lady Annabella King, at her grandmother's, old Lady Byron."

² "Council Minutes," 10; 303 (May 6, 1709).

text in Psalm xxxvii. 37, "Mark the perfect man, and behold the upright, for the end of that man is peace." At the close he spoke these appropriate and appreciative sentences: "I was once almost resolved against Funeral Panegyrics, as being full of Difficulty, full of Censure, but on this extraordinary Occasion Duty obliged me to assist with fragrant spices in em-



HEIDELBERG CASTLE.

balming the blessed Memory, to strew Flowers on the Hearse, and to shed some Tears at the Funeral Obsequies of so great, so good a Man. The supreme Governour of the World seemed to have Mark't out this deceased Peer of Great Britain, even in his early days, to have made an Illus-

trious Figure, and to have been an Instrument of much good to Mankind: for Nature had endow'd him with a Magistick and amiable Countenance, an obliging and grateful Disposition, a generous Spirit and yet a humble Mind, quick Apprehensions and a sound Judgment. Our Dread Sovereign, Queen Anne, after he had done considerable service for his country both at Home and abroad, was pleased to commit to his government the Provinces of New York and New Jersey, whose Inhabitants, however divided amongst themselves, universally conspired to love and reverence his Person and to express their Satisfaction under his just and benigne Conduct."¹

Immediately upon Lord Lovelace's death the functions of head of the state devolved temporarily upon Colonel Peter Schuyler, as president of the council. Richard Ingoldesby had been appointed lieutenant-governor under Lord Cornbury in the year 1702, at the time that the province of New Jersey was added to the jurisdiction of the governor of New York. It was intended by this arrangement that while one officer was present in one province, the other might preside over the affairs of the other.

An experience of four years led the lords of trade to recommend to the queen that she revoke Ingoldesby's commission, with which she complied at once. The order in some way failed to be properly prepared, or it failed to reach him, and thus he retained the position, so to speak, by default, continuing even under Corn-

¹ "New York Historical Society Collections for 1880," pp. 321, 336, 337.

bury's successor. Therefore, being the lieutenant-governor *de facto*, if not *de jure* or by intention of the queen, on Lord Lovelace's death he was summoned in haste from New Jersey, and took charge of the government on May 9. It was not a new experience for him. At the equally unexpected and sudden demise of Governor Sloughter in 1691, he had been entrusted with the duties of chief magistrate, on the ground of being the next in military command. He had remained in the colony under Fletcher and Bellomont, but served only in a military capacity until 1702. No sooner did the news of Governor Lovelace's death, and the consequent elevation of Ingoldesby, reach the lords of trade, than they forthwith renewed their application for his removal. On September 17 of this same year Queen Anne signed the second revocation, and care was taken that it was properly transmitted. On receiving the document which constituted his official decapitation, Ingoldesby resigned the government into the hands of the worthy Dr. Gerardus Beeckman, who in the absence of Peter Schuyler, was senior member and president of the council. This occurred in April, 1710; and three months later Robert Hunter, the next governor, arrived.

Ingoldesby signaled the beginning of his administration by exercising his authority in an exceedingly unworthy manner, by behavior not only ungentlemanly, but inexcusably unfeeling. This was the harsh treatment of Lady Lovelace, the bereaved

wife and mother. It was of such a nature, indeed, that she found it expedient to betake herself to the ship which was to carry her back in her forlorn condition to Europe, as if she were a fugitive from justice. Her own words best describe the disgraceful episode. In a letter to the lords of trade she writes: "Soon after the dismal death of my Dear Husband and Eldest Son, in the midst of my afflictions (which were and are the most sorrowful that ever befell a poor Woman) Col. Ingoldesby came to me and Demanded the Papers I had in my hands; I told him they were sent for by Lord Sunderland, Sec^{ry} of State, and show'd him his Lord^{sh} lett^r, he told me he did not value Lord Sunderland's lett^r, 'twas nothing to him, and in very ruff and threatening terms told me that I shou'd not stir from New York 'till I had given him the said papers; Both my self and friends told him I shou'd complain of his severe usage when I came to England, he answer'd he valued it not, and that England was at a great Distance, and he well knew when another Gov^r came over he shou'd be removed: but notwithstanding his Hectoring me, I did at midnight get the trunk of Papers and my self on Ship board, and so prevented my confinement. . . . Also Captain Symons belonging to one of the Companies in a very bullying manner wou'd not let me Remove several things that we put into the Fort and paid for."¹ Fortunately the rule of this man was brief, but it was not brief enough to prevent his dis-

¹ Doc. rel. Col. Hist. N. Y. 5: 89, 90. The letter is dated September 3, 1709. By the same ship came Ingoldesby's letters announcing the death of Lord Love-

lace and his own assumption of the government. On September 5, the order revoking his commission as lieutenant-governor was passed by the royal council.

gracing himself by conduct such as this, as well as by that reckless granting of valuable lands to himself and friends which had been the bane of former administrations. But one enterprise, the first of its kind in the eighteenth century, which had been set on foot before his incumbency, ripened into action just as he entered upon his functions, and lends some luster to his otherwise undignified rule.



Sam Vetch

A few months before the death of Lord Lovelace, on March 1, 1709, the queen addressed to him a letter, officially informing him that "at great expense" the authorities in England were fitting out an expedition to Canada, to be placed under the direction of Colonel Samuel Vetch. In this paper the governor was directed to allow himself to be guided in all matters pertaining to this enterprise according to the instructions and plans of which the colonel was the

bearer. For fear that the latter might not reach New York in safety, or might not reach it soon enough, a letter reiterating these instructions substantially was sent by post on another vessel. In this document, bearing date April 28, Lord Sunderland carefully detailed the plan of campaign which had been decided on by the ministry in England; and also the mode of preparing for it in America is indicated. Lord Lovelace died before either Colonel Vetch or the secretary's letter reached him, but the expedition had been so thoroughly determined on, and such earnest provision was made for it, that this important business was not in the least interrupted by that sad circumstance.

It may readily be appreciated that the people of the colonies must have been ripe for such an enterprise, and would heartily join in the efforts of the home government. "Queen Anne's War," corresponding with that of the Spanish Succession in Europe, had precipitated hostilities on the southern borders in its very beginning, in 1702. The English there had taken the initiative against the Spanish settlements. Governor Moore of South Carolina attacked the Spanish town of St. Augustine in Florida. The town itself was easily taken, but the castle held out until reinforcements compelled Moore to raise the siege and even to abandon his stores in the retreat. A second expedition was organized, and assailed the Indian allies of the French and Spaniards dwelling about Appalachee Bay. As a result of this exploit several tribes submitted to the jurisdiction of Carolina. In the year 1706 a

French fleet sailed from Havana intending to reduce Charleston; but the people beat off the enemy, who had effected a landing, with a loss of three hundred men, killed or prisoners. At the north there hung the ever-threatening cloud of French and Indian invasion, with its accompanying atrocities. The Deerfield massacre had thrilled New England with horror in 1704. It was succeeded by the assault upon Haverhill, on the Merrimac, on August 29, 1708, and fresh horrors might be expected at any moment. It is to be regretted that so gallant and noble a people as the French must ever stand charged at the bar of history with having deliberately incited, or encouraged, or at least countenanced such barbarities. In a burst of righteous anger Colonel Peter Schuyler—Quider, the friend of the Indians—sent a message of rebuke and remonstrance to Marquis de Vaudreuil, Governor of Canada: "My heart swells with indignation when I think that a war between Christian princes, bound to the exactest laws of honor and generosity, is degenerating into a savage and boundless butchery."¹ What wonder that the people rose almost *en masse* to resist this unnatural and wicked combination of civilization and savagery, and to uproot the power of the French in Canada. Bancroft tells us that during one year in the course of the war actually one fifth of the entire population able to carry arms were enlisted as soldiers, and that there was universally "fostered a willingness to exterminate the natives."

Colonel Vetch came over with instructions similar to those which have been noticed as addressed to Lord Lovelace, for the governors of Pennsylvania, Connecticut and Rhode Island. While large supplies were cordially voted and the requisite number of levies made in the more northern colonies, considerable opposition was encountered in the Pennsylvania and New Jersey legislatures, by reason of the prevalence of the Quaker element there. The New York assembly pledged itself to raise the sum of ten thousand pounds,² and early in the summer of 1709 its quota of soldiers was already on the way. The plan of campaign as laid before Lord Lovelace was to be as follows: "It is resolved to attack at the same time both Quebec and Montreal, the first by sea and the second over the lake from Albany, with a body of 1500 men who are to be raised and armed, as you will see in the enclosed instructions. Her Majesty is now fitting out her Commander-in-Chief of the said expedition with a squadron of ships and five Regiments of the regular troops, who are to be at Boston by the middle of May and there to be joined with 1200 of the best men of New England and Road Island. They are then to sail with all expedition to attack Quebec, being provided with Engineers, bomb vessels, and all sorts of artillery for such an enterprise. At the same the 1500 men from Albany, under the command of one whom you shall appoint, are to make the best of their way to Montreal, which place they are to attack, and if possible to reduce to Her

¹ Bancroft, "United States" (ed. 1883), 2; 198.

² Col. Hist. N. Y., 5; 81.

Majors obedience."¹ The chief command over the land forces of the united colonies was intrusted to Colonel Francis Nicholson, who was lieutenant-governor of New York under Sir Edmund Andros, and had

in authority. He was of Scotch birth, and had first come to America in connection with that strange scheme of colonization of the Isthmus of Darien projected by William Patterson, the founder of the Bank of

*John Burger and Minert Schuyler Attorneys
jointly and Specially appointed by Beatrix
Buzell widow, natural and Legitimate -
Estate of August Van Swieten late of the
City of New York Merchant Deed having
petitioned me for administration of the
said August Van Swieten's Estate in
Trust for the said Beatrix I do
direct the same to be granted to John
Burger, the said Minert Schuyler -
being absent: Given at New York this
15th Day of January 1700*

Lovelace

LOVELACE DOCUMENT.

since been governor of Virginia. Colonel Vetch, to whose experience and zeal the expedition owed its inception and most of its present active preparation, was placed next to him

England. When the Darien bubble burst, Vetch, a young man of not quite thirty years, settled at Albany, attaining success as a trader, and married the daughter of Robert Liv-

¹ Col. Hist. N. Y., 5; 73.

ington in 1700. In 1705 Colonel (then Captain) Vetch was appointed by the Governor of Massachusetts a commissioner to Quebec, to negotiate an exchange of prisoners, and also, if possible, a treaty of peace or truce. Vetch remained in Canada several months, and he kept his eyes wide open as to the chances of a capture of its chief cities. He "devoted himself to the study of the topography and resources of the country. There were even those who said that, by intelligent and none too open observation, he learned more of Canadian weakness than was right for an Englishman in time of war to know."¹ He was thus well fitted to recommend the Canadian expedition to Queen Anne and her ministry, and to suggest besides the details of the campaign. Having promoted the enterprise also on this side of the Atlantic as vigorously as he had done, he was certainly entitled to be the second in command. It was well understood that in case of a successful issue, he was to receive the appointment of governor of Canada.

The rendezvous for the land forces, as directed by the instructions, was Albany. Here the men from the different provinces collected during the month of June, and meanwhile the commander and his staff were utilizing the time by gathering all available information from Indians. Indian scouts had previously been sent far into the enemy's country, some even reaching the villages of the natives along the St. Lawrence. These now began to come in,

and much valuable intelligence was gained from them."² On June 28, all was ready for the march upon Montreal. Colonel Nicholson, accompanied by the Indian contingent from the ever-loyal Five Nations, under their trusted friend Colonel Schuyler, led his little army as far as Stillwater, destined to be a field of glory in a cause more important than even the present. Here was hastily constructed a redoubt, which, in honor of the lieutenant-governor of the province, Nicholson named Fort Ingoldesby.³ Then crossing the Hudson at a favorable point, many of which the quiet flow of its shallow waters here afforded, the colonial forces traversed the tangled wilderness and primeval forest, and halted and encamped on Wood Creek, at the southern extremity of Lake Champlain. Here news was awaited in regard to the movements of the co-operating fleet. Colonel Vetch had gone to Boston at the same time that Colonel Nicholson led forth his forces from Albany upon the northern march. The fleet from England, as promised in the instructions, was to have arrived the middle of May. It was essential that the two attacking forces should have a knowledge of each other's situation and progress, and Vetch went to arrange some means of communication between them. But when he reached Boston, early in July, the fleet had not yet arrived. After many weary weeks of waiting, instead of a fleet, a solitary vessel entered the harbor—a dispatch-boat bringing the disheart-

¹ Article in "International Review," November, 1881, on "An Acadian Governor," p. 467.

² Col. Hist. N. Y., 5: 85.

³ "The Letters of Hessian Officers during the Revolution," translated by William L. Stone, p. 134, note.

ening news that no English fleet was coming at all. The conduct of the war on the Spanish peninsula having gone against the Portuguese, the allies of England, the destination of the promised squadron with its five regiments of regulars had been changed from Boston to Lisbon.¹ In September, 1709, this news reached the colonial camp on Wood Creek, in the wilderness of northern New York. Of necessity the expedition against Canada was at an end. The aimless waiting had already depleted the

ful, and these now abandoned the camp and returned to their homes.

With nothing accomplished, and after expenses incurred that far exceeded their means, the people of the northern colonies were confronted with the burden of an oppressive debt, in addition to the still threatening perils of French and Indian atrocities. In spite of this almost ridiculous failure, however, Colonel Schuyler was determined to force the Canadian, or the French and Indian, question upon the attention of the English court. "I hold it my duty toward God and my neighbor," he had said, "to prevent, if possible, these barbarous and heathen cruelties." At the end of this same year (1709) he took with him to England, at his own expense, five chiefs of the Five Nations. "In London, amid the gaze of crowds, dressed in English small-clothes of black, with scarlet ingrain cloth mantles edged with gold for their blankets, they were conducted in coaches to an audience with Queen Anne, to whom they gave belts of wampum, and avowed their readiness to take up the hatchet for the reduction of Canada."² To this effective expedient on the part of the indefatigable Schuyler we may doubtless trace the better-sustained attempts against Canada of subsequent years, finally resulting in its complete reduction under the empire of Great Britain.³



THE SCHUYLER VASE.

ranks of the little army, and some intentional or unintentional defilement of the waters of the creek near its source had caused a frightful rate of mortality. By October 5, the forces had dwindled down to a mere hand-

¹ "An Acadian Governor," as cited, p. 495, note.

² Bancroft, "History United States," (ed. 1883), 1: 399.

³ In recognition of his noble services in this connection and to commemorate this remarkable visit, Queen Anne presented Colonel Schuyler with a handsome vase, which is still a cherished heirloom in the family,

and of which an illustration is to be found above. The following is the inscription on the vase: "Presented by Anne Queen of England to Col. Peter Schuyler, of Albany, in the Province of New York, April 29, 1710. To commemorate his visit to England by request of the Provincial Government, accompanied by five sachems of the Mohawks."

THREE SCENES IN THE LIFE OF COLUMBUS.¹

SCENE I. *A hall in the Dominican Convent of Salamanca. Council of learned men assembled to pass judgement on the proposed enterprise of COLUMBUS. Enter TALAVERA, who calls the Council to order.*

TALAVERA.

Best educated men of all this realm,
Best educated men of all this earth,
Accountants of the past, appraisers of
The present; you who have the trade
Of digging knowledge nuggets from all times,
And carving them in jewels fit to wear,
Who know what's best and what's best not to know,
Whose learned breath upon thought-harvests thrown,
Whips chaff away and leaves the grain of truth:
You have been called together by the King,
Most potent Ferdinand, and by the Queen,
Most pious Isabel, to judge the claims
Of one Columbus; an Italian born,
Who asks of Spain her countenance and help
Through the great Western wilderness of waves,
While he discovers lands to you unknown.

FIRST SCIENTIST.

We need no foreigner to mend our maps.

DEZA.

Soft, learned man, let learning teach you patience;
Pass not the judgment till the cause appears.
Let the man speak before you answer him.

TALAVERA.

'Tis well enough. Columbus, state your case;
Unroll your wares; exhibit us a wish.

COLUMBUS (*raising himself proudly*).

I would complete the world!

¹ This poem was read at the memorial celebration of the signing of the Treaty and Capitulation of Ferdinand, Isabella and Columbus which took place at Santa Fe, Granada, April 17th, 1492. The literary exercises were held at Columbia College in April, 1892.

FIRST SCIENTIST.

Irreverent clown!
Pity God did not rest another day,
And let you try your hand!

DEZA.

Rest you instead.
Let him enlarge his daring epigram.

COLUMBUS.

So with due modesty and sense I will. [*Unfolding a chart.*
This world hath leagues that Europe knows not of;
Hath waves that Eastern ship did never cleave;
Hath rivers, forests, islands, continents,
Minds, hearts, and treasures now by distance hidden.
I would sail westward till I find those lands
Where the sun lifts to eastward-gazing eyes;
Would journey still unto the drooping sun,
Through regions of bewildering opulence,
And harvest all for God's own glory—He
Who planted it! I'd give the nation wealth
Greater by far than she has ever wished.
All this I guarantee, if only lent
Strong sails to spread, and crews to man my ships.

TALavera.

Here is a Grecian bearing gifts indeed!
Or rather an Italian, offering
To fetch them at our cost. These smooth designs
Brush us with velvet that may cover claws.
Question him, men of learning! Read his mind!

FIRST SCIENTIST.

What university may you be of,
Learned philosopher? What your degree?

COLUMBUS.

The ocean is my university:
My sole degree is that of Mariner,
Well tried and always true. Lectures I've heard,
Wherever sailing—'mid the ocean day,
And the dark, treacherous night. The travelled winds
Thundered their lessons at me. I have seen
Many discussions of the deep-voiced waves.
Each star that sees our whole world from the skies

Is a professor to me. I have learned
Much from my own long meditations; whence
A light flames up at last, by which I read
My Heaven signed commission.

TALAVERA.
Here is a dreamer!

Well, well, well!

DEZA. Dreams oftentimes come true.

SECOND SCIENTIST.
Nature of course hath schools; men all may read
From alphabets around them; but we hold
All observation naught, until confirmed
By others' words. Tell, then, what hast thou gleaned
From learned pens or voices?

COLUMBUS. I've conversed
Many a day and night with sea-taught men—
Old sages of the ocean—whose weird tales
Are full of half-hid meaning; they who teach
The classics of the ocean. All the flowers
And weeds of their romances root in truth,
However hidden far may be the soil.
Their tongues have graven these words upon my soul:
THERE'S LAND TO WESTWARD!

THIRD SCIENTIST (*laughing*).
Give him a degree!
Taught by illiterate sailors! Learned man!

DEZA.
Still, better than a college-branded fool.

TALAVERA.
Whence is your family, searcher after power?

COLUMBUS.
Though not essential to this argument,
Yet I will answer; it is quickly said:
My father carded wool in Genoa.

FOURTH SCIENTIST.
A prince of sheep-pelts hath come here to pull
The wool across our eyes!

DEZA.

Why bring to fore
Questions of birth? 'Tis not so many years,
Your father, herding asses in Castile,
Begot the longest-eared of all his flock.

TALAVERA.

Enough of breeds. Proceed, adventurer.

COLUMBUS.

Call me adventurer then; and so I am,
And so were all accomplisners. No prize
Is won without adventuring. As for birth,
The time will come, when titled families
Will angle for my name, and fight to spread
The lie that I sprang from their mouldy roots.
My deeds be my escutcheon!

TALAVERA.

Cease your boasts,
And give performances—at least, in words.

COLUMBUS.

From all that I have learned—seen—meditated—
All I have viewed with Inspiration's help,
From every hill of thought God leads me to,
I swear that on the farther side o' the earth,
Balancing that which we now know and walk,
Is land!—great continents of unknown land!
Which I can reach, with westward-pointed prow,
And through it Asia, with her wealth-crammed mines,
All to be thus for God's own glory gained.

DEZA.

Bravo!—thrice bravo!—'tis a mingled voice
Of Heaven and Earth, that brings these words to us!

FIFTH SCIENTIST.

All hail to this discoverer of new lands—
This King of topsy-turvey, whose domains
Cling unto earth as do the barnacles
Sometimes upon the bottom of a ship!
Stand him upon his head and crown his heels!
Despatch him for his realms in ships capsized!
He shall send word of matters in his land,
In characters inverted; he shall tell
How rain falls upward; how the forest trees

Tower downward in the cellarage of space;
His subjects, taking lessons from the flies,
Shall creep along earth's ceiling dextrously,
Lest they might fall and strike against a star;
He shall write, "Have you any medicines
For rush of blood to th' head? If so, please send
Them quickly as you can!"

DEZA

If so there be
Medicaments that maybe might induce
A rush of brains to th' head, send you for them.

COLUMBUS.

This world's a miracle, made by our God—
Himself Great Miracle of Miracles.
All things are relative; and it may be
That they who stand upon Earth's other rim
Look downward as do we.

SIXTH SCIENTIST.

His head is turned.
But, mystic mariner, suppose you reach
Those far-off countries: how will you bring back
The ships and treasures that you took from us,
To say nought of the riches that you find?
How would you contract for a western gale
So strong that it will push you up the hill
That you have gilded o'er so easily?¹

SEVENTH SCIENTIST.

More miracles The whole thing shall be done
By miracles!

EIGHTH SCIENTIST.

Since God's hand is besought
To help this project, it perchance were well
To ask Him His opinion of the same.
I have here fifty texts from sacred books,
Proving this scheme to be illusory,
Which, so it please the Council, I will read.

DEZA.

Block not this pious project with the Bible!

¹ Strange as it may now appear, these, and many other equally brilliant arguments, were advanced against Columbus' scheme by the so-called learned men of the time.

Do you not know that in its mystery-depths
Are pearls whose gleam our weak eyes cannot see?

COLUMBUS.

Little by little, as God gives us light,
We read the sacred cipher of His word;
Not only of His word, but of His works,
Doth He reveal Himself, He would have us
To know and do and conquer for ourselves.
Though Science and Religion long may frown
And flout each other coldly—neither one
The other understanding—time may be
When they can dwell together. Then will come
Their wedding-day, and the world shall rejoice.

TALAVERA.

You should be pious—you who prophesy
So glibly of heaven-work. But what hear I
Of various indiscretions your wild soul
Has not escaped? Inform us fully, seer.

COLUMBUS (*hanging his head*).

I am not perfect. I have borne grave sins
That plague me sore. The very monk is here
To whom I have confessed.

DEZA.

This Council, then,
Is a confessional, which seeks perfection?
Perfection then should rule it. Let him rise,
Whose morals have no flaw—who in his heart
(Which, we are told, can nothing hide from God)
Hath ne'er committed sin. If any one
Who'll stand my cross-examination for an hour
Be here, pray let him rise and quiz this man,
And summon Heaven to witness what he says.

[*A strange and sudden interval of silence.*]

FIRST SCIENTIST.

I have friends that I must meet,
Waiting me in yonder street.

[*Exit.*]

SECOND SCIENTIST.

I must go and con a book
In your cloister's quiet nook.

[*Exit.*]

THIRD SCIENTIST.

Leaving quickly I must be,
As my dinner waits for me.

[Exit.

FOURTH SCIENTIST,

I a map must finish soon,
Of the mountains of the moon.

[Exit.

FIFTH SCIENTIST.

I must teach a class of youth
First-class cosmographic truth.

[Exit.

[The Council breaks up in confusion.

SCENE II. *Court of Barcelona.* COLUMBUS, *having returned from his successful and triumphant voyage is enjoying a grand reception by the delighted monarchs,*
ISABELLA and FERDINAND. *They seat him beside them.*

FERDINAND.

Grandest sailor of the zones,
Piercer of the storm-cloud's breast,
Finder of the lost unknowns,
Joiner of the East and West,
Julius Cæsar sent from Spain,
Conqueror of the setting sun,
Alexander of the main,
All the heroes fused in one,
Thou perchance hast made our lot
Regions such as Rome had not;
Thou wilt bring us splendors grand,
Such as Spain has never seen;
Thou wilt make our twofold land
Of this earth the treasurer-queen.
Thou, the king of storm and tide,
Now art welcome at our side;
Thou art worthy in the gleam
Of our jewelled crowns to beam;
Welcome to these hearts and hands,
Admiral of the Western lands!

[Te Deum Laudamus.

ISABELLA.

Music not on earth is met,
Word hath not been written yet,
Splendor cannot breed display

Worthy of God's praise to-day!
 Nothing mind or heart can raise
 Are sufficient for his praise.
 He hath led our messenger,
 Unappalled by mortal fear,
 Through the forests of the waves,
 Over luckless seamen's graves;
 Climbing, on his mission strange,
 Many an ocean mountain range,
 Till he touched th' uncharted strand
 Of a wealth-strewn pagan land.
 'Mong new millions, that ne'er heard,
 Preaching of the Sacred Word,
 He hath given us the glory
 First to bear the Sacred Story
 Richest honors now confer
 On this brave-souled messenger!

COLUMBUS.

Sovereigns of the twofold reign
 Rulers of my heart and brain—

INSANE WOMAN (*rushing into presence of sovereigns*).

Give me my husband back! Give him to me, I say!
 What do I care for his worlds? He took my world away!
 What is your praise to Heaven, while Heaven your cruelty grieves?
 I want my husband back! Give him to me you thieves!
 Oh, shake your diamond robes, dazzle my eyes as you may!
 Crown this foreigner-villain that takes our husbands away!
 Yes, he has brought you gold, robbed from good men's lives;
 Yes, he has brought you Indians, stolen from others' wives;
 Ingrate! where is the woman who loved and cherished you?
 Why do you keep to yourself the part that is her due?

[She is dragged away by the guards, still struggling and screaming.]

COLUMBUS.

Sovereigns of the twofold reign,
 Rulers of my heart and brain,
 Dear these honors are to me,
 Sweeter for the toil and danger,
 Than I found—unwelcome stranger—
 On the wide, mysterious sea,
 Mariners of royal life,
 You who sailed the waves of strife;
 You who pressed the camp's rough pillows,

You who breasted war's red billows,
For the meed of sacred fame
And Christ's holy sacred name,
Now in heathen lands His wraith

In that sepulchre still lies,
'Mid those hordes of pagan faith.

Sad and suffering are His eyes,
Drooping are His nail-scarred hands;
Can you hear his mild commands?
Can you hear his sacred moans?

"I am not among my own;
They received me not when living,
They protect me not when dead.

Must I suffer—still forgiving—

In a foeman-guarded bed?
Sovereigns, I the vow have made
That this Western march of mine
Shall be first of a crusade

To that Eastern tomb divine.
When, through walls of darkest night,
First I saw that signal-light,
When, at far approach of day,
Ere the starlight sailed away,
There amid the twilight grand
Loomed the longed-for prize of land—

[Enter RODRIGO DE TRIANA, a mariner, struggling through the guards.]

RODRIGO.

Give me my velvet doublet, and my pension!

FERDINAND.

Hush, mariner! your tongue makes scars within
Our solemn festival.

RODRIGO.

No wonder, king?

This Christ you fight for, did not He denounce
Injustice? Shall this Christless Christian, then
Pose in His name? 'Twas I who first found land!
He saw a light, he says, in the black west.
Is fire, then, land? Or, "'Twas a fisherman,
Whose torch arose and fell upon the waves!"
Is a boat land? Boats are for lack of land.
If boats are land, we carried land with us.
Or who can tell what boat the light was of?
Perchance some other member of our fleet.

Why should, then, this white-polled Italian rogue—
Laden from hold to deck with honors—try
To steal a sailor's hammock? Say I still,
Give me my velvet doublet and my pension!

FERDINAND.

How's this, Columbus?

COLUMBUS.

Nothing care I, King,
For doublet or for pension; only still
To hold the honor first t' have sighted land.

ISABELLA.

But one admitted, they must go together.

COLUMBUS (*firmly*).

Then I claim all.—

RODRIGO.

And lose your lie-gashed soul.—
Forger of log-books—swindler of your crews—
Wear on your crest an honest sailor's curse!
May all your glory rust to iron chains
That drag you through disgrace! I pray to God
That when I found those isles, I found your grave!
May others steal your credit and your fame!
May e'en your name be blotted from that land
You claim you have discovered!

FERDINAND.

Guards, he raves;
Tear him away.

RODRIGO (*struggling as he is borne along*).

I'll to another land,
And try Mahomet's justice. Farewell, thief!

COLUMBUS.

Perchance he knows where still are other worlds,
And can lead other sailors there, as I
Led him to that.

ISABELLA.

Mind not these summer clouds
That flit before your glory. You shall now

Give us in detail all that you have seen
In yonder land of wonders. Who comes here?

[Enter FIRST, SECOND, THIRD, FOURTH, FIFTH, SIXTH,
and SEVENTH SCIENTISTS.

FIRST SCIENTIST.

Grand Confirmer of my views,
Welcome, with thy dazzling news!

SECOND SCIENTIST.

Learning's true and valiant knight,
Well I knew that thou wast right!

THIRD SCIENTIST.

All opposing voice be stilled!
My predictions are fulfilled!

FOURTH SCIENTIST.

Heaven in mercy hath devised
That my hopes be realized!

FIFTH SCIENTIST.

Brother of our learned band,
Let me shake thy hardy hand!

SIXTH SCIENTIST.

What can courage not display,
When we scholars lead the way?

SEVENTH SCIENTIST.

Tracer of our well-mapped sea,
We must give you a degree!

DEZA.

Scholars, call him, if you please,
Brave Bewilderer of Degrees,
Grand Extinguisher of Schools,
Taught by educated fools;
Give Columbus this degree:
Famous Foe of Pedantry.

SCENE III., *a humble room in the of city Valladolid.* COLUMBUS dying. *He speaks to his servant.*

Lift me down softly—softly!—this crushed form
Is dying old—old even beyond its years.

Is this my prayer-book? I have grown half-blind,
Hunting for worlds. Now once more must I search
And find my future home, where, maybe, I
Can serve beneath a king who will be just.
My breath drags anchor.—Ah! and so the Queen
Has abdicated for a higher throne,
And sleeps on beds of marble. I would fain
Have kissed once more that warm and shapely hand,
And drank again her blue eyes' sympathy,
And felt the heart-help of her soft, sweet voice.
Christ grant we heav'n together! Paradise
Would by a lonely port without my Queen——
Ah, Pain! Pain! Pain! how you are mocking me!
Is't what I have done brings these agonies,
Or good left undone? Yes, I've much of both
T' account for; but my steps meant to be true.
Ah! 'twas a glorious dream—that grand crusade
Westward—to win Christ's Empire in the East!
Th' accomplishing of it might have been enough
T' have saved me now from dying poor—alone—
Nor son nor brother near me. 'Tis my fate;
Whatever Christ ordains—that be my fate;
It may be 'tis for needful discipline:
All purgatories are not after death.

Ah, that October morning! T'was a life—
'Twas twenty—fifty—nay, a thousand lives
Of days and nights eventless—when, behold,
My first land smiled upon me from the West!
It was a fairy dream come over-true;
It was a score of prostrate, plodding years
Turned upright toward the skies! It was my word
Shown to be gold 'mong the black dust of scorn
That covered it for tedious nights and days!
“Land! Land! Land! Land!” the happy sailors cried:
“You are a god!” they shouted: “You tore down
The key to Heaven's far secret! You are blessed
By all the saints!” They crawled and kissed my feet;
They begged for favors in my new domains;
They prayed for pardons of past mutinies;
But all that was as nothing. Came a voice,
Out of some unknown regions of my soul:
“You have found fame that ne'er can be forgot!
You are the greatest conqueror history knows!
A new, grand kind of conqueror—one who finds

The lands he subjugates!"—My God ! my God !
Will nothing still this pain ? It murders me !

Then my return ! That bright land-voyage from
Seville to Barcelona ! Surging waves
Of loud applause broke swiftly o'er my bark,
And gales of acclamation swept me on.
No more I tossed in Poverty's canoe;
My land-cruise was a fleet of brigantines,
With Victory's flag far flowing from the mast !
Ah, that rich April day, when the brave Queen
At Barcelona drew me to her throne !
When the wool-comber's tardily-honored son
Rode, king-like, through the flag-trimmed, shouting streets,
Escorted by Spain's grandest cavaliers,
Wherein proud generations stored their blood—
Whereon a thousand victory-jewels gleamed !
That was a life—a thousands lives in one !
My painted Indians walked along the street,
Like prisoners in a Roman triumph. Though
Some tears they shed, brewed by their home-sick hearts,
Some sighs they wafted toward the dreamy West,
Some pangs they suffered for their absent loves;
'Twas but required to heap my glory full;
My triumph's throne must needs foundation find
On some one's woe (all earthly honors crush
Beneath their feet the hopes of some who fail);
Women raved at me for their husbands, dead;
(All victories flaunt their banners over graves!)
Old Rodrigo deemed he discovered first
The land I brought him to:—well, every prize
Is grudged by those who lose it. 'Twas too sad
To see the poor, sour, disappointed man
Dive to the depths of infidelity !
Better, perhaps, t' have given him the boon,
Than see him lose that greatest boon—his soul !

My second voyage ? That September morn
I sailed from Cadiz ! No more humbleness!
How they all fawned upon me ! " Here he comes !"
The great Columbus ! Ah, no one like me !
I was an angel ! (One, be't understood,
That could endure all hardships for their sakes,
An angel with earth-favors he could grant.)
I walked among the cringing, common clay,

An Alexander without stature's lack,
 For I towered head and shoulders 'bove them all!
 How like a sailor-king I looked and felt!
 'Twas a great day! And even then there came
 (As always may—a cloud to every sky)
 A bent and withered crone close to my side,
 And whispered shrilly upward in my ear:
 "Give credit to the pilot and his crew
 Who lent you log and charts at Terceras;
 Then died within your house and told no tales!"
 I pushed the hag away, but not the lie:
 It clung to me, and formed a dingy stain
 On my renown, and always will be told.
 Heaven rest the poor old pilot; I even had
 To lend him charts with which to seek for heaven!
 How little did he think to mar my fame!

Ah, that sad voyage homeward, decked in chains!
 When Bobadila—proud, religious knave—
 Judge and attorney both—condemning me
 From his ship's deck—before he reached my land!
 Then, Espinosa—menial, scullion, slave—
 A creature I had lifted from sad depths—
 Hammered the fetters on my storm-scarred wrists.
 So, with such jewels, I re-entered Spain:
 So different from the glory-spangled day
 When I brought back an empire in my hands!
 The golden age of my career!—and this—
 The grim iron age; yet no less proud was I,
 Bearing sore envy's heavy metal gibes,
 Than its unwilling plaudits.

Then those years

Through which I tarried to have justice done;
 Nor lingered in the anteroom of sloth
 (Waiting, with idleness, breeds agony),
 But sailed for other crowns to give my Queen.
 Even my old age toiled for this land of Spain
 (Adopted by me—rich-brained foreigner—
 And left a legacy of priceless worth)
 As faithful as my prime. Oh, how they surge
 And dash against my memory's dreary shore—
 Those days and nights of age-resisted toil!
 Days that I should have passed in glorious ease,
 Nights that I should have slept on silken beds,
 Surrounded by the splendors I had earned,

And here I die, attended by no crowd
Of waiting messengers, to tell the world
That it has lost a hero. Well, 'tis well!
I perish here as poor as I was born;
But so do all. The grave is Death's frontier,
Impassable; and even if 'twere not,
The living seize the wealth of th' dying ones
A worthless, poor old mariner, I die;
And so do all; launching on unknown seas,
And landing where—they can but only hope.
With all earth's living heroes far from me,
I die; and still cannot forego to think
That great discoveries may make glad this voyage,
Of such as each soul must make for itself;
That all the sailors of that farther shore
Will meet me when I land, and hail me chief.

[*He dies.*

[*Enter the spirits of FREEDOM and PROGRESS.*

SPIRIT OF FREEDOM.

Thou who foundst the free-born West,
Enter, strong, free soul, to rest.
Thou hast opened wide the door
Into refuge evermore,
Of those who, with longings high,
Cringe beneath an eastern sky.
Thou shalt always honored be,
By the Empire of the Free:
By that land across the main,
Which will far out-dazzle Spain;
Which, within the centuries bright,
That shall follow these of night,
Will disperse its beams afar,
As sometimes the morning-star
Sheds an earth-detected ray
In the glaring Summer day.
Rest, thou search-light of the sea,
Homeward thou didst guide the free!

SPIRIT OF PROGRESS.

Hero, rest, but not for long:
All the brave and true and strong
Who possess the Hidden Land,
Soon will come to press thy hand.
Thou hadst flaws: thy gleaming brain
Bore some rust from Error's chain;

Thy fault-flecked but generous heart
From earth-passions could not part;
But if ever pain and grief
Out of glory snatched relief,
If the quarried gold can shine
When uncovered in the mine,
If the darkness can take flight
When appears the morning light,
All thy woes shall be redressed,
Patient Finder of the West;
All thy earth-born faults condoned,
Though by cavillers bemoaned;
Thy wrongs shall be made a theme

Of the true historian's choice,
And the poet's waking dream,
And the marble's silent voice.
When that late-born western land
Shall be rich and great and grand,
It will show its treasures vast—

It will celebrate its fame—
With a pageant unsurpassed—
Bearing thy illustrious name.

Long as Humankind believe
That 'tis duty to achieve;
Long as Faith can struggle free
For what, yet she can not see,
Long as Toil aspires to gain
Glory from fatigue and pain;
Long as Earth keeps on its way,
Marching, marching every day,
THE COLUMBUS still shall not
Be neglected or forgot.



AMERICAN INSTITUTIONS—WHENCE ARE THEY?¹

WE are constrained, of course, as usual to note the wisdom of the critic of books, who quite answers Cowper's description:

sage, erudite, profound,
Terribly arched and aquiline his nose,
And overbuilt with most impending brows.

In taking up Mr. Campbell's volumes, even after unloading numerous sentences of appreciative understanding, he must put in a word to assert his peculiarities, which almost always lead him to find a fault. One has to observe that Mr. Campbell can not, or did not, read Dutch historians in their own vernacular, and thereby he lost much. Well now, we possess that happy power, and have read Wagenaar and others, and really if one reads Motley it will quite sufficiently make up to him his lack of ability to read Wagenaar &c. Besides it would seem plain that Mr. Campbell was not writing a book on Dutch History. He used that history to find examples, and he tells much of it in order to make the presentation of his examples intelligible in all their significance as bearing on his somewhat novel argument. But for his purposes Davies and Motley did very well. And a little later we shall have occasion to point out the very merit of his reference to well-known books instead of recondite original sources, another complaint of the critic. This sage individual again must show his specialist erudition by making it ap-

pear that this excellent work is at fault because in speaking of Barneveld, Mr. Campbell says nothing of Usselinx. But he would not be likely to do this unless (as has perhaps the critic) he had made some special studies about the Dutch West India Company. Now it so happens that the writer of this paper has engaged in just such studies, and he does not regret the absence of Usselinx from Mr. Campbell's pages in the least. Why should we? "The powerful commercial influence and enmities of the refugee Belgians led by Usselinx," is something that mainly exists in the mind of Dr. Asher ("Bibliography of New Netherland") and is drawn by him from a too exclusive study of Usselinx's own writings. The importance of this undoubtedly able man materially lessens to the view in the more critical treatment of him by Prof. Jameson in his monograph on Usselinx, which, by the way, Mr. Campbell cites more than once. He may be designated with some truth as an intolerable nuisance, whose really valuable ideas were set forth with such prosy persistence, and such a trumpeting of their merits and their pecuniary worth, that Dutch legislators became frightfully bored, and utilized them to a less degree than they otherwise might have done, just because of that "bored" sensation. As for the peril to Barneveld of Usselinx's enmity, it accounted for

¹ "The Puritan in Holland, England, and America," An Introduction to American History, by Douglas

Campbell, A. M., LL. B., in 2 vols., 8vo. Harper & Brothers, New York, 1892.

little amid the fierce antagonisms of that day on other grounds; but to judge from Usselinx's own account, his opposition determined the great man's fate. All this we confess is a very irrelevant digression from the theme of this essay. Its relevance lies however in exhibiting the irrelevancy of much modern criticism, as illustrated by the present objection to Mr. Campbell's work.

As we have seen in the previous paper, Mr. Campbell does not propose to beat the air, but clearly and succinctly announces the institutions he proposes to exhibit as present in America, yet lacking in England when the Puritans came forth to these shores. Very much like a lawyer opening a case, he lays down the course of his argument and just what he is going to prove. He does this so fully indeed, even in the Introduction, that we are almost inclined to think that his work is accomplished, and the rest of the chapters need not follow. In fact, one critic makes this very objection and wonders why he recounts the history of England and Holland so elaborately, when we have at hand the volumes of Macaulay and Froude, Motley and Davies, while almost in the same breath, some of those who thus object rather inconsistently find much fault with Mr. Campbell, as we saw, for not being able to read the Dutch historians.

But it would have been only fair to find an explanation for the bringing in of so much familiar history in the author's own statement at the end of the Introduction. "It is only by looking at the whole story together, and keeping in mind the con-

nection of its different parts, that we can understand how the American Republic, the foundations of which were laid by the Pilgrim Fathers, was influenced by its prototype on the other side of the Atlantic. I hope therefore that the reader will pardon me if in some places I lead him over familiar fields, although my path, especially in England, will present views somewhat different from those generally given by historians." Exactly! The course of the argument required a recapitulation of history, with special reference to that argument. The historical background of the class of people who carried these American Institutions hither, needed to be set forth to make clear beyond a peradventure that among the actual conditions visible to their eyes in their native country, there was no suggestion of the good things they managed to bring along. *Per contra*, whence these good things were derived, that country's historical situation needed also to be made clear, and the purpose of the argument would also influence to a decided extent the telling of the story. With this scientific historical necessity in view, we cannot complain that the author carries us along with him through several chapters of history, constantly emphasizing his points, and deepening the impression he aims at, in order to make us appreciate the final bringing forward of the distinct proofs of the points he advanced at the beginning.

Referring then once more to the institutions in question, as enumerated in our former paper, it will be remembered that we named them in this order: 1. Absence of a State

church; 2. legal equality; 3. a written constitution; 4. the very general possession of land; 5. public schools; 6. local government; 7. qualifications of citizenship unrestricted by creed; 8. freedom of the press; 9. ballot; and 10. charities and prisons. These ten institutions could not have been carried by the Puritans from England in the 17th century, or imitated in the 18th; for the first six are not to be found in England to-day; and the remaining four have only been introduced there during the 19th century. Thus the question arises: Whence are they? Where must we look for their origin?

Mr. Campbell remarks: "The method in which this subject has been heretofore generally treated is familiar to every reader, and it is a method which has at least the merit of simplicity, obviating the necessity of all original investigation. Looking back at American literature, we find that, to all questions regarding the origin of our un-English institutions, the stock-answer has been returned, that they were invented by those mysterious and inspired prophetic souls who founded Massachusetts. Of all the fabled heroes of antiquity, architects of empires, or benefactors of the human race, none, in popular opinion, have ever equalled in depth of thought and fecundity of invention the plain artisans and farmers who crossed the ocean in the *Mayflower*, or those who followed them in the next few years. What a marvelous magician's bath the Atlantic must have been two centuries and a half ago, when even a sail across its waters could work such miracles! If any other nation succeeds in origi-

nating a single great institution in an ordinary life-time, it gains historic fame. In this case the mere voyage from England sufficed, we are expected to believe, for the invention of at least three of the first magnitude." Well, we, with Mr. Campbell, decline to believe in this particular miracle; since we cannot explain the event by finding the institutions he has enumerated in England, we still find a reason for the question, Whence are they?

Yet we are willing to admit that as the argument stands now, with the American institutions clearly before us, and clearly seen as not present in England to-day, or only so after having been developed in America,—it might still be objected that in some way England had suggested these to her colonists, perhaps by the law of contrast. At any rate the proof against England is not perfectly conclusive, the argument being thus far a negative one. Thus a critic in the *Atlantic Monthly* of November last, remarks: "Many of the differences between English and American institutions of which Mr. Campbell demands the explanation, are most naturally explained as resulting from the widely different conditions presented by virgin soil, new settlement, absence of traditions and other historic accidents." This would be a decisive and final answer to Mr. Campbell, if the argument of his book was to be left just where we have brought it. But he carries it forward by a very long step indeed, and makes his hitherto negative argument most uncomfortably positive for his critics, or rather opponents. The case is altered and improved

very much when by the side of this undeniable absence of these American institutions from England, he can place before us in his pages a country (a republic too) where they did exist, where they were in actual operation quite as really and effectively—barring some differences in the times and in social or civil advancement incident to the progress of the centuries—as they are now in America. Even the critic just cited can not now upset such an argument, even though he enforces his strictures with an appeal to the case of Australia. For if any country in the sixteenth or seventeenth century possessed the institutions in question, from which the American colonists could have derived them, those of Australia may have likewise thence derived their similar institutions. In fact, it is obvious at any rate, that Australia must be a debtor to America and can prove nothing in the present instance against the position of Mr. Campbell's book. We have not learned that the Australian republic (if we may call it so) antedated our Revolution or Constitution. Besides Australia too must have heard of Holland; for Hollanders first discovered its coasts, and several vast islands all around it still bear to-day unmistakable Dutch names.

The country, then, to which Mr. Campbell points us, as possessing in the sixteenth and seventeenth centuries, the institutions that are distinguishingly ours now, and presumably suggesting them to our forbears, is the Dutch Republic, the United Netherlands. Now in the first place we might ask, why was not that fact

emphasized before? Why must we wait for Mr. Campbell to write such a book as this, before the matter is prominently discussed, being tardily admitted by some, and violently disputed by others? If this were so plain and undeniable a fact, why this unusual circumstance about it? The whole difficulty that thus presents itself seems to be explained by the persistent and long continued hatred and jealousy of England towards Holland. Other European nations were never held in any very high esteem by English people; as Mr. Campbell shows, even to-day the average Englishman will hardly deign to read the history of any country besides his own. But towards Holland the antipathy was specially bitter. Mr. Campbell remarks: "When we remember that England and Holland became commercial rivals, and that England has never scrupled at anything to crush out a competitor, we need not wonder at the national prejudice towards the Dutchman. . . . In 1673, Chancellor Shaftesbury, in an address to Parliament, summed up the whole case against Holland. It was an enemy of all monarchies, especially the English, their only competitor in commerce and naval power, and the chief obstacle to the universal dominion which England should aim at: *Delendo esto Carthago*. Such a government must be destroyed. Such, in brief outline, is the origin of the Englishman's antipathy to the Dutch; an antipathy which in great measure had led to a general disparagement of this people, and thus to obscuring the truth of history." And taking their cue as usual from the English,

New England scholars have been inoculated with an unfounded contempt of the Dutch, which broke out only recently under the leadership of Dr. Henry M. Dexter in the opposition to the erection of a monument at Delfshaven. Then much was heard of the hardness of heart and the lack of generosity of the Dutch people because they did not treat the Pilgrims as paupers; and the Dutch Republic was stated to have been no republic at all.

It is time now to inquire definitely whether Mr. Campbell makes out his main point: that the ten institutions which have been noted, being undervivable from England, as they were not there, are on the other hand traceable to the Dutch Republic. 1. Absence of a State Church, or the equality of all religions. A state church there never was in Holland, for though the ministers of the Dutch Reformed Church were paid out of the state treasury, the same privilege was enjoyed by the clergymen of refugee congregations, of English, French, or Scotch nationality. Although John Robinson's congregation obtained no church in Leyden, and he no salary from the town, it was because their principles were against receiving this benefit. But this did not prevent the privileges of the University and its customary emoluments being accorded to Robinson, a thing which State Churchism would have made impossible at Oxford or Cambridge. Even after the Remonstrant clergymen were expelled from the Calvinistic Church, their salaries were continued when they agreed to abstain from preaching. All this shows a liberality that

exceeded the bounds of the State Church policy; and hence we are not surprised to see that in 1808, when the complete abolishment of State Churchism was not yet universal in America, "ministers of all denominations, including Catholic priests and Jewish rabbis, were placed on an equality and supported by the government." (2:326)

2. Legal equality. "In Holland, if the prisoner was too poor to pay an advocate, one was assigned him by the court" (2:441) . . . "A person accused of crime was always confronted with the witnesses against him, and allowed free liberty of cross-examination." (2:445). Thus "the chief feature of [the mode of administering the criminal law] is the equal regard paid to the rights of all classes in the community—the poor and the rich being placed exactly on the same level." (2:451). In the 15th century, "the citizens of Bruges arrested their own sovereign for his private debts." (2:454).

3. Written constitution. No special citation is here necessary, as it is well-known that the Dutch Republic conducted its affairs upon the basis of the written contract, with its specifications of mutual powers, rights and duties, called the "UNION OF UTRECHT," signed January 29th, 1579, and making a nation of the seven United Netherlands of the north.

4. General possession of land. "In Holland, all property, both real and personal, of persons dying intestate, except land held by feudal tenure, was equally divided among the children under the provisions of an act passed in 1580." (2:452). The transfer of land, facilitating its gen-

eral possession, was promoted very greatly by the system of registering deeds, or recording sales. "Real estate such as houses and land, was from of old not considered, in many localities of Holland, as delivered over unless the transfer occurred before the magistrate of the locality where the property was situated. If the transfer was effected otherwise it was invalid. This was made a common law for all these lands [the 17 Netherland provinces] at the time of the Emperor Charles [V] and by the State [i. e. the States-General of the of the Republic] it was enacted in addition, that the transfer be registered." (2: 459, note).

This ordinance was passed in 1598, and reads: "Concerning all which Liens, Cessions and Transfers, we have charged and commanded, and do charge and command by these presents, the aforesaid Registry-masters, Loan-lords, or those who are in their stead, and the Secretaries of the towns and villages, to keep everywhere good and pertinent Registers, and to avoid frauds, the Secretaries are obliged before the transfer or mortgage to record the Letters [papers] in a Register or Protocol, in order to be undersigned, in effecting the transfer or lien, by the officer and two of the court, in the aforesaid Register or Protocol." (2: 460, note).¹

5. Public Schools. "In the first Synod of Dort, held in 1574, the clergy expressed their opinion upon the subject by passing a resolution or ordinance, which among other things directed 'the servants of the church'

to obtain from the magistrates in every locality a permission for the appointment of schoolmasters, and an order for their compensation as in the past. Before many years had elapsed the civil authorities began to establish a general school system for the country. In 1582, the Estates of Friesland decreed that the inhabitants of towns and villages should, within the space of six weeks, provide good and able Reformed [i. e. Protestant] schoolmasters, and those who neglected so to do, would be compelled to accept the instructors appointed for them. This seems to have been the beginning of the supervision of education by the State, a system which soon spread over the whole republic." (2: 340-1).

6. Local government, or its distribution. "The chief feature in the government of the Netherland Republic was the equality of the States which composed the Union, something unknown in the British Empire. They were seven in number, and although one paid only about two per cent of the taxes, its nominal power was as great as that of the wealthiest member, which paid more than fifty-seven per cent." (2: 421). While the States-General legislated for the whole Republic, each of the seven provinces again, had "States" of their own, and each province had its several "municipalities," while in Friesland the country districts likewise possessed a government, much like the New England, or American township.

7. Absence of religious qualifications for citizenship. "All Protes-

¹ This is a translation from the original record of the Act of the States-General, kept among the Archives at the Hague. The writer of this paper, happens to know that Mr. Campbell's citation is perfectly genuine

as he had the pleasure of transcribing and translating it himself from the original document, and transmitting it to the author. It would seem, therefore, that he got at some original documentary information.

tants [whether Reformed, Anabaptists, Lutherans, or Arminians] stood on an equal footing, enjoying full civil rights" (2: 326). It was too much to expect that Catholics should have been accorded these rights, while a life and death struggle was maintained by the republic against Catholic powers all around them. But that creed should have been no disqualification for citizenship or office, even to this limited extent, was a great advance upon the ordinary policy of the sixteenth and seventeenth centuries, and a good promise of what might happen in the United States in the eighteenth, and what has barely happened, if at all, in England in the nineteenth century.

8. Freedom of the press. "The republic laid down and enforced the principle that so long as an author did not assail private character, and published nothing to offend public morals, his opinions on politics, religion, or philosophy did not concern the government. If erroneous, the true method of correction was by argument, not by force. Time and again the authorities of the republic were called upon by foreign powers to prevent the printing of books which reflected on their governments, or advanced heterodox ideas in religious matters. To all such applications the answer was a very simple one. If the Republic permitted unbounded criticism of its own actions . . . it could hardly be expected to apply a different rule in the case of foreign nations." (2: 343, 344).

9. The secret ballot. "It is in this historic city of Emden, so familiar to all English Puritans, that we find what seems to be the first trace in

modern times of the written secret ballot used for the election of civil magistrates." The system first employed was rather cumbrous; but "soon after the occupation of Emden by the soldiers of the Netherland Republic, it was replaced by one much simpler. . . . When we turn from civil to ecclesiastical matters there is no difficulty in tracing the origin of the system which was introduced into New England." (2: 434, 435, 437).

10. Charities and correction, or prisons. Mr. Campbell cites from Owen Felltham, an old English writer: "You would think, being with them [the Dutch] you were in old Israel, for you find not a beggar among them. Nor are they mindful of their own alone, but strangers also partake of their care and bounty. . . . Even their Bedlam is a place so curious that a lord might live in it. Their hospital might lodge a lady; so that safely you may conclude amongst them even poverty and madness do both inhabit handsomely. . . . They that do but view their Bridewell will think it may receive a gentleman, though a gallant; and so their prison a wealthy citizen." (2: 350, note).

One pertinent question now remains; which is very soon answered, however. Could these American Institutions have been brought to America by Englishmen without having been established in England itself? Assuredly: and there are three distinct and easily appreciated methods in which the paradox has come to be the plain truth. 1. The Pilgrim Fathers lived in Holland during a space of twelve years. We need not expatiate on this circumstance, either

to prove it or to point out its significance.

2. The English Puritans in general had for ages been strongly affiliated with Holland, both as regards its people and its principles. They were located almost exclusively in the east of England. Says Prof. Fiske in his "Beginnings of New England:" "It was in Lincolnshire, Norfolk, Suffolk, and Essex, and among the fens of Ely, Cambridge, and Huntingdon, that Puritanism was strongest at the end of the 16th century. It was as a member and leading spirit of the Eastern Counties Association that Oliver Cronwell began his military career, and in so far as there was anything sectional in the struggle between Charles I. and the Long Parliament, it was a struggle which ended in the victory of east over west." Now in the early days of persecution in the Netherlands, thousands of Dutch and Walloon families fled to England, and settled in these very parts. As Mr. Campbell shows: "A census taken by the lord-mayor of London in 1568, the year after Alva's arrival in the Netherlands, shows that of 6704 foreigners then in the city and its vicinity, 5225 were from the Low Countries. . . . In 1571, there were in Norwich alone, by actual count, 3925 Dutch and Walloons. In 1587, the number had risen to 4679, making a majority of the population. . . . So late as 1645, after Laud had driven great numbers away, there were 700 communicants in the Dutch church at Colchester, 500 in Sandwich, and 900 in the Walloon church at Canterbury." These settlers could not but have some influence upon their surroundings; they taught their

neighbors valuable lessons in industry manufactures, agriculture; no less so in political matters, in the principles of government. Under this head too must be included the educational influence upon thousands of Englishmen of all ranks, who for a score of years and more fought in the armies of the Dutch Republic for political and religious liberty.

3. But a third obvious method of bringing our American republican institutions across the seas from a Republic then existing, was the existence of a colony or province, at first owned by that republic, and with a population made up of its citizens. The significance of New Netherland on our shores cannot be omitted in our estimate of the probability or possibility that among an English-speaking race on American soil, institutions foreign to England but operating in Holland should have arisen and have been developed to a high degree of perfection and beneficence.

We are aware that it is somewhat unusual for these pages to take up the cudgels for any author or book against adverse criticism. But the case in hand is somewhat different. We have here a brave knight who, like Ivanhoe in the lists of Ashby, has dared to touch a shield which no one had presumed to touch before, so boldly and with such a ringing blow—the shield of English self-complacency and blind assumption of superiority over all the world, echoed in a feeble way by the New England of our shores. Of course the ones assailed try to find weak spots in the armor of the assailant, and, questioning the fitness of the foe, think in that way to

excuse their not overthrowing him. Or they imagine that to prove his incompetency or insufficiency or errors will make people believe he has no case to be overthrown. Hence it becomes important to show the weakness of their objections. The *Atlantic Monthly* critique already alluded to, concludes with a sharp fling at Mr. Campbell's incompetency, and seems to be provoked thereto, especially because the author speaks somewhat disparagingly of "historians." But it is easily understood by one disposed to be fair that this slighting reference to historians is meant only for those who have misrepresented the facts which these volumes bring forward. If the writer of the critique feels that shoe pinch, what shall we say? It is also to be observed that the learned critic in his severest strictures upon the inaccuracy of Mr. Campbell, or upon his failures to prove his points, misses the ten prominent American institutions which we have dealt with and upon which Mr. Campbell's case mainly rests. Thus the critic hits away at rotation in office, and at universal suffrage, maintaining that these are not proved to have been practiced in Holland. We do not remember including these in our review of Mr. Campbell's telling points.

Some critics again have objected, in charging the author with insufficiency in research, or lack of equipment for investigation, that these volumes do not exhibit an examination of original, unpublished documents, nor of papers hitherto unseen by any one else; that the references to authorities only include printed books within everybody's reach, such

as the histories of Hallam, Macaulay, Froude, Motley, Davies, &c. But really we are surprised that this feature of Mr. Campbell's work is not rather regarded as a great merit. He presents facts of history, say of English history especially, which are somewhat startling. They ought not to be, we should be familiar with them; but strange to say, the habit of our thought has been so much to overlook them, to let our opinions form themselves as if they were not, that when we are reminded of them they startle us as if new. Now it is highly important for our conviction, and for the honesty of the present writer, that we should easily convince ourselves that these facts are not now brought forward for the first time, but are made use of legitimately by the author for a rather unusual purpose; a purpose disregarded or discarded by many writers who would see no fault in England; a purpose not definitely formed, or not necessarily within the province of the honest historians who furnished the damaging facts against England. If now these facts placed in the light in which Mr. Campbell does, were only to be found in documents recon-dite and hidden, among dusty archives, or in the garrets of private families, we would have reason to hesitate a long time before accepting them and giving them the weight he does. But no! upon the shelves of our private and public libraries are the books to which he refers us; on page after page the footnotes reveal only familiar names. And does not the wonder grow that we never saw the force of these accounts thus appealed to? While, seeing that his statements are

gathered from undeniable and well-known sources, the conviction, too, grows of the correctness of his conclusions.

The plain common sense of these conclusions—the whole point in the argument conducted throughout these two volumes—is set forth clearly and ingeniously by Mr. Campbell by means of an illustration in the way of a supposititious case. With this we conclude, feeling that we can do no better than to let the fair-minded reader ponder over this:

"Let the reader imagine that Japan, instead of sending a few score of students to the United States, had sent over many thousand families and had kept five or six thousand soldiers in our army for some forty years; and that during the same period a hundred thousand Americans had settled in Japan itself. Imagine further that at the end of the forty years a number of the Japanese set-

tlers in America had started out to found a colony in some newly discovered land, and that there had been added to their ranks a large number of Americans and some twenty thousand other Japanese, some of whom had lived in America, and most of the others going from sections in which Americans had been living for many years. These colonists found a mighty state, whose people speak Japanese, but have almost no Japanese institutions, having established a republic, and copied their institutions mainly from the United States. The writer, who after two centuries should sit down to compose a history of this new republic, and, omitting all reference to the United States, credit these settlers with the invention of their un-Japanese institutions, would be simply following the example of the English, and most of the American authors who have written of America and her institutions."

LEONARD IRVING.



THE BOSTON "MASSACRE."¹

THE presence of troops in the New England colonies, prior to 1767, except in times of war, was unknown, and even then the soldiers were only temporarily quartered in the towns until they could be conveniently moved to the frontier.

For years the colonies had been in a state of irritation and discontent. Tyrannical and oppressive measures had been enacted by the British Parliament, that gave a general alarm to the colonies—measures that awakened jealousy, resentment and vigilance. Affairs continued long fluctuating, but a sentiment prevailed that the dearest rights of the people were being invaded, and gradually the tide of public feeling arose. The general attention became more and more aroused, people grew more alike in opinion and practice, till the great majority of the colonists felt that their prosperity and happiness were at stake, and sentiments of liberty, property and ignominious bondage, all conspired to increase the popular ferment.

It was when this feeling was at its height that Parliament decreed that military garrisons should be maintained at the expense of the colonies in all the large colonial towns.

The old English prejudice against a standing army was firmly instilled in the minds of the New Englanders,

and they regarded soldiers only as the instruments of tyranny. Experience had shown that in such States as theirs, at least, no standing army was necessary for order or tranquility. The policy of Great Britain toward the American colonies had been for years so unjust and illiberal that an especial resentment was entertained against its military hirelings, — representatives as they seemed, of an administration determined to oppress and crush them. The just contention, so successfully established but a few years later, that the colonies could not be lawfully taxed by a legislature in which they were not permitted to be represented by their own delegates, was even then deep rooted in the minds of the great proportion of the people, and to be taxed in order that troops of a tyrannical sovereign might be maintained to overawe and subdue them was especially distasteful, and sufficed to thoroughly arouse the popular indignation.

In the spring of 1768 the newly appointed Commissioners of the Customs at Boston had been compelled to remove to Castle William in the harbor, about three miles below the town, where the garrison then consisted of a detail of militia of the neighborhood. The Governor, being dissatisfied with this garrison asked

¹ In describing this unfortunate encounter the writer has based his narrative entirely upon the authority of reliable contemporary information, consisting among other sources, of official reports of the trial of the soldiers who fired upon the mob, and

the sworn witnesses who testified before the court. The description of the incidents that led up to the affair, and of the condition of public feeling at the time, is made up upon the authority of Bryant's and other histories.

General Gage, the Commander-in-Chief of the English forces in America, whose headquarters were in New York, to order one or two regiments from Halifax to hold the fort. He also moved three war vessels down the harbor so as to cover it. Before his order was executed, the home government, anticipating the Governor's desire, of its own motion sent orders for quartering troops in the town. Early in September of the same year, an officer arrived to prepare for their accommodation. His mission becoming known the popular indignation was evinced by the hauling up at night of a burning tar barrel into the frame of the beacon which gave its name to Beacon Hill. In preparation for the occasion the beacon had been repaired by the Selectmen. This beacon had been established in the very earliest days of the colony but it had long been idle, and probably had never been used since it summoned the people of the country to the overthrow of Andros in April, 1689.

The town meeting of Boston sent a committee to the Governor asking him to issue precepts for a General Assembly to take measures for the protection of their civil rights and privileges. This was refused, and the committee on its own responsibility proceeded to summon an assembly for the desired purpose. The town meeting then voted that every inhabitant should be requested to provide himself with firearms, for sudden danger in case of a war with France. As there was no likelihood of war the design was apparent. Meanwhile the Council declined to furnish barracks for the troops in the town say-

ing, that as the Act of Parliament requiring them to furnish quarters for the troops expressly declared that where barracks already existed they should be used, there were ample accommodations for a thousand men at Castle William, and these were all that were expected from Halifax.

In the midst of this bitterness the convention met and called upon the Governor to convene the General Assembly. He refused to receive their petition and admonished them instantly to separate. They remained in session but nine days and by their moderation displeased and disappointed the colonists.

The troops, consisting of the 14th and 29th regiments of infantry, finally arrived off the harbor on the 28th of September, 1768, the convention adjourned on the 29th, and on the 1st of October the troops landed. None of the soldiers were sent to Castle William. One regiment encamped on the common, while the other was quartered in Fanueil Hall and the Town House.

The local authorities still refused to provide barracks, and the commanding officer hired quarters and purchased supplies at the charge of the crown. The Irish regiments in addition arrived on the 10th of November and were quartered in a similar way. A fleet of eight men-of-war with upwards of one hundred and eighty guns was anchored off the town.

The justification of the home government for sending the garrison to Boston was the news of a riot on the 8th of July, 1768. A schooner laden with molasses had been seized for violation of the customs laws.

Thirty men entered her at night, confined the keepers and carried off the cargo. The Selectmen restored the molasses, but Governor Bernard, in reporting the matter to England said "we are not without a government, but it is in the hands of the people of the town."

A similar riot occurred about the same time in which some wines were landed from the sloop "Liberty," belonging to John Hancock.

These occurrences seem to have given the motive to the English administration for severer measures than had yet been attempted.

The troops being thus established in the town, there began to break out the annoyances that might be expected after such circumstances of irritation.

When the General Court met the following May it appeared that there was a stronger majority against the Governor than before. A committee was at once appointed to ask for the removal of the troops. The Governor replied that he had no authority over them. The General Court responded that it was only owing to exaggerated reports that they had been sent, that there had been no disturbances that bore any comparison to similar tumults in the best regulated cities of Europe and in England, where, they said, riotous assemblies had been carried to an atrocious and alarming extent "at the very gates of the palace, and even in the royal presence." They refused to proceed to business while surrounded by soldiers. The Governor met this refusal by removing the General Court to Cambridge, where there was no garrison, and the House pro-

ceeded to business there under protest.

On the 27th of May they voted a petition to the King for Bernard's removal, who the next day had the mortification of communicating to them the King's order, which he had received as early as April, but had kept from their knowledge, that he should return to England to lay before him the state of the province. On Bernard's departure Chief Justice Hutchinson became acting governor of the province.

It must not be supposed that the animosity of the people was directed alone against the military. On the contrary the inhabitants lost no opportunity of evincing their contempt of the King's authority, however represented. On the 22nd of February, 1770, some boys appeared in the streets bearing coarse paper paintings, which pictured in scandalous caricatures the Boston importers of British goods. They were met by a man who was suspected of being an informer to the government officers against those attempting to evade the customs laws. He endeavored to prevail upon a countryman happening to pass to destroy the pictures, but the man declined, and he himself essayed to mutilate and destroy the offensive display. This occasioned the collection of a crowd, and the supposed informer was jeered and hooted at and threatened with all sorts of dire punishment. But he was not frightened and returned the sallies of the crowd with language as forcible as theirs, charged some of them with perjury, and threatened to prosecute them. A number of boys and men

followed him to his house, using opprobrious and reproachful language, and threatening him with bodily injury. Entering his dwelling he seized a gun, and doubtless fearful that mischief might ensue warned the crowd to cease molesting him. The display of the gun irritated rather than terrified the crowd, and they began to hurl stones and other missiles at the house. The man fired from one of the windows and killed a boy eleven years old. Great excitement followed and the boy's funeral was attended by an immense concourse of people who regarded him as a martyr in the cause of liberty.

But it was toward the soldiers that the inhabitants cherished the most bitter resentment. When the troops arrived many of the people thought their chains already forged; they saw the fetters prepared, and to them the soldiers were but the instruments to fasten and rivet forever the shackles of their bondage.

This being the condition of public feeling there was no room left for cordiality or friendship between the inhabitants and the troops. Discontent was seated on almost every brow. Instead of that hospitality the soldier might have hoped to receive, scorn, contempt and angry murmurings were his reception. Almost every countenance lowered with gloom, and scarce an eye but flashed indignant fire upon his approach.

Each day gave rise to new occurrences and increased animosities. Reciprocal insults soured the temper of the soldier and civilian alike, and mutual injuries embittered their passions.

Is it then strange that when every-

thing tended to some important action, the period so soon arrived?

The writer has endeavored to outline the more important external signs of the condition into which the people of Boston felt themselves provoked, now appearing on the public records after the lapse of a hundred and twenty years. But as a matter of course the causes of personal and private irritation, occurring constantly, did more to alienate the people from the crown and bring about the overt resistance to British rule of which the events that immediately preceded the so-called "massacre" were the early evidences, than any number of sporadic brawls, however bitter. There were the daily parades of the troops and their drills and evolutions in the centre of the town, duels between the regimental officers, and between officers and citizens, the ridicule which the English officers displayed of the old-fashioned customs of the town, and the frequent affrays between ignorant and brutal privates and the lawless characters of the town.

The quartering of so large a number of troops from the crown establishment had been of itself enough to arouse the indignation of the people. Every man had felt that this was an insult to the good fame of the town, where the whole population of able bodied men, the great majority of whom were engaged in active industry, was not more than three times as numerous as the troops. But worse than this, the soldiers recruited from the lowest classes of the English population, introduced habits in the highest degree offensive in a community where men had not been used

to seeing a professional soldier once in a generation, and where public morals had been pushed to the very verge of puritanism.

One of the most exasperating occurrences during this period was the impressment by the officers of the "Rose" man-of-war of some seamen from a Marblehead brig. One of the

tunate conflict which even to this day is most commonly spoken of as the "Boston Massacre."

On the night of March 3rd 1770, by mutual agreement a party of soldiers of the 29th regiment and some ropemakers at John Gray's rope walks, where a large number of workmen were employed, had an encounter with

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The Extraordinary Trial

O F

*William Wemms, James Hartegan, William McCauley,
Hugh White, Matthew Killroy, William Warren,
John Carrol, and Hugh Montgomery, Soldiers in his
Majesty's Twenty-ninth Regiment of Foot,*

FOR THE MURDER OF

*Crispus Attucks, Samuel Gray, Samuel Maverick,
James Caldwell, and Patrick Carr,*

AT THE

Superior Court of Judicature, Court of Assize, and General Gaol Delivery,
Held at BOSTON, by Adjournment,

Before the Hon. *Benjamin Lynde, John Cushing, Peter Oliver, and
Edmund Trowbridge, Esqrs. Justices of the said Court.*

Taken in Short Hand by John Hodgson, and published by Permission of the Court.

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seamen resisted the officer in command, and killed him. The guilty seaman was tried in the Admiralty court and acquitted, although the court was wholly in the king's interest.

During all this time the feelings of the people toward the soldiers were growing in intensity, and after a year and a half it culminated in the unfor-

clubs, and several on each side were wounded. The affray was brought about through the incivility of one of the ropemakers to a soldier, who happening to pass was asked if he wanted work. The soldier said he did, and the ropemaker made an insulting reply. Upon this the soldier "damned" the ropemaker and his

companions and struck at one of them, but was beaten off and deprived of his cutlass. He took to his heels, swearing he would have satisfaction and soon collected a dozen of his companions, with whom he returned to the ropewalks where a further battle ensued, in which the soldiers were again worsted. The soldiers then went to their barracks, gathered together some thirty of their number, and in about three quarters of an hour started to go back to the ropewalks to renew the fray. But being met by Mr. Gray the proprietor, they were prevailed upon to abandon their intention. The next night a renewal of the fight was prevented with some difficulty.

On the evening of March 5th the moon shone brightly on the town, and the pleasantness of the evening was increased by a newly fallen snow. Large numbers of people were in the streets, some walking out in the enjoyment of the clear invigorating weather, but many bent on mischief. The townspeople were apprehensive of some impending outbreak, but even the peaceable citizens were not prevented by their fears from going into the streets, and on this perfect night the town was full of life and activity.

The people were in no submissive frame of mind. Their pent up feelings had been heightened by the news, recently received from New York, of a conflict there between the soldiers and the inhabitants, arising out of an attempt to blow up a liberty pole, pompous accounts of which had been printed in the newspapers, that gave

rise to much exultation among the townspeople. The defeat of the soldiers at the ropewalks had soon followed, and there was a general belief (and doubtless with some, a desire) that affairs would soon be brought to a climax.

Just before nine o'clock on this memorable night, two young men undertook to pass a sentinal at the foot of Cornhill¹ without answering his challenge. A struggle ensued in which some of the soldiers from the neighboring barracks turned out, one armed with a part of tongs, another with a shovel, and the offending citizens were driven back through the alley way they had attempted to pass. This encounter, trifling in itself, was sufficient to call out the soldiers in defence of the sentry, and the people of the neighborhood as well, who, alert for the long expected conflict, now eagerly hastened to the scene.

Exaggerated and garbled accounts of the behavior of the soldiers in Cornhill passed from mouth to mouth, till it became the popular belief that a general assault upon the people had been planned, and that the incident which had occurred was but a part of the violence contemplated by the soldiers.

There were in Boston then, as there are in all communities to-day impetuous, heedless men who with the best intentions, act upon impulse rather than reason, who rush recklessly into wild and imprudent courses, carried away by the excitement of the moment, and in their frenzy

¹ The name "Cornhill" then applied to a part of what is now Washington street. When the name gradually absorbed the name of the short streets that ran from south to north the name "Cornhill" lapsed. It was taken up and used again for the street which now

bears it. As it happens the affray was at the foot of east Cornhill. It was in a narrow alley which passed from what was then the end of Washington street to Brattle Square, a neighborhood in which narrow lanes and alleys abounded.

wholly unmindful of the consequences.

It was men of this kind who led the people of Boston that night into the needless riots that followed, and brought about consequences that they, in soberer condition of mind, would have done everything in their power to prevent.

But they did not stop to consider what the result would be. The first engagement between the people at large and the soldiers had come. Thought they, "This will never do. The readiest way to get rid of these fellows is to attack the entire garrison. We must strike at the root." The more violent of the inhabitants addressed the crowd as it grew in size, urging them to attack the main guard.

The people continued to come from all quarters, and in a very short time, carried away by their passions and the exhortations of the leaders, the mob charged upon the soldiers. A riot ensued, and the soldiers, far outnumbered by the enraged populace, were soon driven to their barracks. In defending themselves the soldiers wounded several of the mob, and this increased the frenzy of the people, who pursued the soldiers to the barrack gates, crying "They are beaten. They are driven into the barracks," and throwing snowballs, pieces of ice and other missiles at them.

The officers, as their men arrived, hurried them within the barracks and securely fastened the gate. But the temper of the people was now too much inflamed to be satisfied with so slight a victory. They crowded in about the barrack gate hurling the most violent and abusive epithets at

the soldiers, calling them "lobsters," "cowards," "cowardly rascals," and other insulting names, and daring them to come out and fight.

The officers assured the people that if any body had been unnecessarily or unjustifiably injured, inquiry should be made the next day, and the guilty persons punished. They begged the people to go to their homes. But the crowd still lingered, as defiant as ever. The officers declared they had done all they could, they had turned the soldiers into the barracks, and locked the gate, and they said that no soldier should come out again that evening. Some one in the crowd replied "You mean they dare not come out, you dare not let them out."

The mob made five or six separate attacks on the barracks, people meanwhile continuing to arrive and increase its numbers. Whenever a fresh party arrived a new attack was made. The soldiers, incensed almost beyond endurance by the insults and violence of the mob, were eager to get out, but by the vigilance and activity of the officers they were kept in control. The mob still insulted the men, dared them to come out and fight, and called them a pack of scoundrels who were afraid to fight them. It was suggested by some one that if the soldiers did not come out, the barracks should be set on fire at the four corners and burned down with all of those who were within, but no one was rash enough to carry this plan into execution.

Finally, realizing that nothing more was to be accomplished by remaining at the barracks, the people began to plan what next to do. Many were for going to their homes, but

the majority had their hearts set on a conflict with the soldiers, and were not to be cheated out of it. It was suggested that some soldiers would probably be found in King Street.¹ In a moment the general cry was "King Street" and thither the mob proceeded. Just as they turned their steps in that direction the old south meeting-house bell began to ring, and the others bells in the town were set ringing soon after.

This drew from their houses great numbers who supposed there really was a fire in the town, and who brought fire-buckets, and were prepared to fight the fire. But these people were soon undeceived about the cause of the tumult, and fire buckets were exchanged for clubs and cutlasses. The mob was now beside itself with fury. Happening to pass the shop of an importer they broke in his show windows. A large party went into the market place where they demolished the stalls to secure the posts and boards for weapons. Meanwhile their shouts and cries created a terrific uproar. They hallooed and cursed the "lobsters" and "bloody backs."

Hugh White, a private of the 29th Regiment was that night on duty as a sentinel in front of the Custom House. He had been detailed to his post by the commanding officer, Lieutenant-colonel Darymple. A sentry had been placed at the Custom House, whose duty it was to take care of the money in the cashier's office, and guard the public property, from the time the troops had first arrived. The sentry could not leave his station until relieved by the commanding officer.

White had that night complained that he was molested by disorderly people and could not keep his post clear. Apparently apprehending that some decisive conflict was imminent, he had warped one of his friends that night to keep out of the streets.

As the mob turned into King Street it was seen that the sentinel was already in difficulty. A party of boys and young men was gathered about him, jeering at and taunting him. A barber's boy was crying, and said the sentry had struck him. He pointed toward White and said "There is the — — — — that knocked me down." Immediately upon this the people began to cry out "Kill him, kill him, knock him down."

White, seeing the number of the mob which rushed towards him, its members swearing and cursing at him, retreated backwards up the steps of the Custom House and knocked on the door. No one answering he attempted to open it, but found it locked. The crowd meanwhile closed in upon him and White called out for the main guard. His gun was not loaded when he was first attacked and so far he had had no opportunity to load it. With his back to the door he now stood and loaded the piece, then levelling it toward the people he cried, "Keep off or I will fire upon you." The reply was "Fire, Fire, and be damned." White still parleyed with the crowd, saying "Stand off, I am upon my station, if you molest me, I will fire—by God I will fire. Keep off."

Seeing the desperate state of affairs two men rushed over to the main

¹ Now State Street.

guard and informed the officers, begging them to send assistance immediately, or the sentry would be murdered.

Captain Preston of the 29th Regiment was at once despatched with a file of six men and a corporal to the aid of the sentry. Preston with his men marched directly through the crowd and the soldiers formed in a half circle, their backs toward the Custom House. White, the sentry took his position among them. Preston called upon the mob to disperse, but they paid no heed to him, and crowded in upon the soldiers, who cried out "Keep off," at the same time presenting their pieces with the bayonets fixed to prevent the crowd from getting too close. The soldiers were so placed that they could not retreat, for the wall was behind them and the people on both sides. One or two of the mob spoke to Preston, but the noise was so great no one heard what passed, and a number jumped upon the backs of those in front of them in their eagerness to listen. One of these turned about and shouted to the crowd "Damn him, he is going to fire." The mob cried out "Fire and be damned, who cares for you,—you dare not fire." The fury of the people seemed only increased. "Fire, you bloody-backs!" they shouted "Fire you lobster!" "you cowards" "you dastards." Meanwhile those on the outside of the crowd began throwing snowballs and ice, pieces of coal and iron, ashes and oyster shells, which flew thick and fast, and several of the soldiers were hit. The people directly in front of the soldiers struck at them with sticks and clubs,

and the soldiers kept pushing them off with their guns. But not a soldier stepped out of his rank to seek revenge. As an eye witness described it "The soldiers stood in a trembling manner as if they expected nothing but death." Preston kept appealing to the mob to disperse and go to their homes, and after several minutes had passed, seemingly impressed by the moderation of the soldiers, some of the people began to call to their companions to come away. It almost seemed as if the affray would end without the loss of life, for there was a lull and the people were apparently about to turn, when suddenly there appeared upon the scene a burly mulatto giant named Attucks, to whose mad behavior in all probability the dreadful slaughter that shortly after followed was due.

Attucks, a half breed Indian negro, had gathered together in Dock square a gang of between twenty and thirty sailors—sailors then composed a large part of the population—men of the proneness to adventure and violence natural to sea-faring men in all places—sailors, between whom and soldiers there has always been so much natural antipathy that when they meet they fight from uncontrollable impulse.

At this inopportune moment Attucks, whose very appearance was enough to terrify even the boldest of men, with his myrmidons of blood-thirsty sailors all armed with heavy clubs pushed in through the mob crying, "Damn them. They dare not fire. We are not afraid of them." Attucks carried a heavy cord wood stick, and forced himself through the people till he was almost upon the

soldiers. He made a blow at Preston who warded it off. Turning around he struck the gun of Hugh Montgomery, the soldier at the captain's right, and immediately fell in with his club and knocked Montgomery's gun out of his hand, following up the blow with another over the head. He held Montgomery's bayonet with his left hand, endeavoring to wrest it away, crying out meanwhile "Kill the dogs, knock them over." His followers took up the cry and the entire mob was now ready for the most desperate work. They crowded in upon the soldiers, striking at them and threatening their lives.

Montgomery by an effort here regained his gun, and stepping aside a little he levelled his piece and fired. Simultaneously the order to fire was given, and one after another the rest of the soldiers discharged their pieces, and the people fell back. Three of the mob, Attucks among them, lay dead in the street, two others were mortally wounded, and six received slight injuries.¹

The people doubtless supposed that under no circumstance could the soldiers fire without the intervention of a civil magistrate. This was a very unhappy error, and one that unquestionably had its influence on that fatal night.

The drums beat to arms. The 29th, regiment formed in King street and a vast multitude of people also assembled, among whom were some of the most distinguished citizens. Governor Hutchinson addressed the people

from the balcony of the State House. He was greatly agitated, apprehensive probably of some personal attack or insult from the populace. As a matter of fact he had no control over the troops. They were in no manner subject to the civil authority. He however requested the officers to see that the men were kept within their barracks, and he assured the people that a full investigation should be made in the morning. A citizens' guard of one hundred men took charge of the streets, the crowd retired, and peace was restored. Before daybreak Captain Preston surrendered himself for trial and was committed to jail. The soldiers who had done the firing were also committed.

In the morning the citizens assembled and voted to continue their demands until the troops should be withdrawn. The Selectmen waited upon the Governor and Council. They said terrible consequences would ensue if the soldiers were not removed. A town meeting was called who sent a committee to the Governor to induce him to act. The Governor told the committee he had no power in the matter as the troops were subject only to the command of General Gage at New York, but that colonel Darymple was ready to withdraw the 29th, to the castle. The town meeting to which the Governor's answer was reported voted it unsatisfactory. Another committee, of which Samuel Adams was chairman, was sent to say that nothing would satisfy the people but the total

¹ The persons killed by the soldiers were Crispus Attucks, the mulatto, Patrick Carr, an Irishman, and three Americans, Samuel Gray, Samuel Maverick and

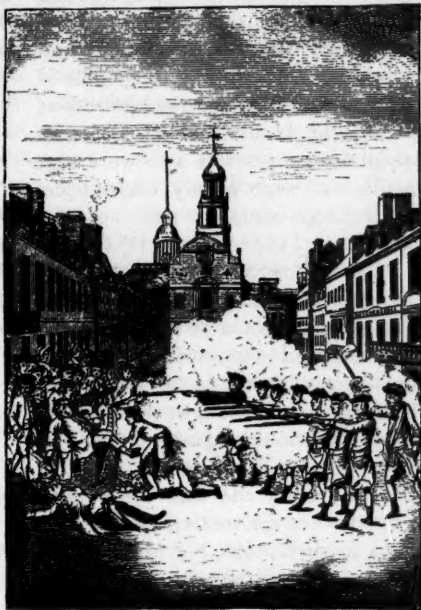
James Caldwell. Carr and Gray took no part in the affray but were merely innocent spectators drawn to the scene by the commotion.

and immediate evacuation of the town by all the regular troops. Adams told the Governor and Colonel Darymple, who was with him when the committee appeared, that nothing short of this would satisfy the public mind and preserve the peace of the province. The governor was forced to yield. He was ridiculed in England for his weakness and the colonists were exultant. But there is no doubt he had to give way, and his compliance served to postpone the outbreak of the revolution. A promise was given, and the first orders for the removal of the troops were issued. Some of the officers were very indignant and expresses were sent to General Gage, in the hope that he would countermand the orders. Another town meeting was called to quicken the movement. On application to Colonel Darymple the 29th was removed March 10th, and the 14th, left the next day.

In the experiences of places used to quarrels between soldiers and civilians the transaction of March 5th, 1770, would have attracted no great attention. Its importance in this instance is due to the fact that it brought to a climax a long series of annoyances in a community wholly unused to the presence of troops.

It is true the people were justly incensed over the tyrannical treatment they had received at the hands of the English government, and the soldiers were unquestionably among them in pursuance of a policy of intimidation. But while the people were justified in harboring a spirit of defiance and resentment toward the power that ordered the quartering of the

troops, and perhaps might have been warranted in driving the soldiers out of the town by force, they had no right to blame the soldiers for defending their lives, when beset by an infuriated mob, bent on annihilating them. There is an engraving by



Paul Revere, the celebrated post-rider of the so-called "massacre" which was widely circulated at the time, and which is here reproduced, in which the soldiers are represented as being drawn up in line, their guns levelled in the most perfect precision, pouring a volley of bullets into a handful of unoffending citizens at the command of an officer who stands behind the rank with his sword raised, while three men lie apparently dead in the street, and a fourth is being carried off by friends.

The true circumstances of the affair are related above, and put another aspect to it. It is not the purpose of the writer to say one word in defense of the soldiers, except for their action in this single instance. The people were properly aroused against their presence, and no one can blame them for their desire to drive them away. But for the violence and bloodshed of that night, the people of Boston who attacked the sentinel at the Custom House, and murderously assaulted the soldiers who were sent to his aid, were wholly responsible, legally and morally, and not the soldiers.

Patrick Carr, one of the victims, an Irishman who took no part in the affray but was shot as he was approaching the crowd in his curiosity to learn what was going on, on his death bed declared that he thought the soldiers would have fired long before they did, so badly were they abused. He said that in Ireland he had often been present when the soldiers were called upon to quell mobs, but never before had he known them to suffer such provocation before firing.

The soldiers, including Captain Preston, were prosecuted for murder.¹ Robert Treat Paine and Samuel Quincy appeared for the prosecution and the prisoners were represented by John Adams, Josiah Quincy and Sampson Salta Blomers, lawyers of the highest reputation among the

patriots. Preston was first tried alone and acquitted.

The trial of the privates followed in November 1770. Although the prisoners were ably defended and the judges throughout the trial manifestly favored the defense, public clamor called for satisfaction and the jury yielded to the popular demand. Two of the prisoners, Matthew Killroy, (who was identified as one of the soldiers engaged in the affray at the rope walks) and Hugh Montgomery, who as has been seen was so frightfully provoked by the bloodthirsty Attacks, and had been the first to fire, were selected as the victims. While the rest of the prisoners were acquitted and discharged, Killroy and Montgomery were found guilty of manslaughter.

The two unfortunates, as the record shows, "prayed the benefit of clergy, which was allowed," and thereupon the court exercised its full mercy by adjudging, as the inhuman law then in force required, that each of them should be branded in the hand in open court, which was accordingly done, whereupon the convicted manslaughterers were immediately discharged. Governor Hutchinson excused himself for permitting the sentence to be executed because its remission would have had a tendency to irritate the people, and "being of little consequence to the prisoners it was thought most advisable not to interfere."

JOHN DOUGLAS LINDSAY.

¹ The judges composing the court and the names of the soldiers tried are shown in the fac-simile of the advertisement of the report of the trial on page 243. The jury was made up of residents of Roxbury, Dorchester, Braintree, Dedham, Milton, Stoughton

and Hingham, no citizen of Boston being permitted to enter the jury box. The trial commenced on Saturday November 27th, and occupied four days, the verdict being rendered on Wednesday December 1st.

ORIGINAL DOCUMENT

GOV. WINTHROP'S DEFENSE OF HIS ADMINISTRATION.

READERS of THE NATIONAL MAGAZINE will doubtless be interested in an autograph manuscript from the pen of John Winthrop, first Governor of Massachusetts, which was not known to exist until about thirty years ago, and which serves to illustrate a very curious chapter in colonial history. The significance of the document, to be fully appreciated, requires a review of events at the period of its composition.

The romantic story of the La Tour-D'Aulney feud for supremacy in Acadia is interwoven to a considerable degree in the early history of Boston, and was undoubtedly the chief cause of the retirement of John Winthrop, in 1644, as Governor of the colony. That controversy can be but briefly outlined here, but any one who cares to examine Governor Winthrop's Journal will find numerous, lengthy, and, indeed, very interesting references to the subject.

On the 12th day of May, 1643, the Governor records La Tour's arrival at Boston with 140 followers, aboard a ship of 140 tons burden. The Frenchman declared that "D'Aulney his old enemy had so blocked up the river to his fort at St. John's with two ships and a galliot, as his ship could

not get in, whereupon he stole by in the night in his shallop, and was come to crave aid to convey him into his fort." After consulting with some of the magistrates (but without a formal convocation of the court), Gov. Winthrop returned answer to La Tour, as he records, that "tho' we could not grant him aid without advice of the other commissioners of our confederacy,¹ yet we thought it not fit nor just to hinder any that would be willing to be hired to aid him."

La Tour was also permitted to land his troops, and the Boston "training day" arriving, the foreign soldiers assembled to watch the drill of the Puritan militia, while the colonists reciprocated on the day following as spectators of the maneuvers of the Frenchmen. In other directions also, the welcome extended to the visitors was very cordial. "Our Governor and others in the town entertained La Tour and his gentlemen with much courtesy both in their houses and at table. La Tour came duly to our church meeting, and always accompanied the governor to and from thence."² But a sentence or two further on Winthrop confesses that "the rumour of these things soon spreading thro' the country, were diversely ap-

¹ The articles of agreement for the New England Confederacy had been drawn up during the preceding month.

² Winthrop's Journal. Hartford: 1790, p. 284.

prehended, not only by the common sort, but also by the elders, whereof some in their sermons spoke against their entertainment, and the aid permitted them; others spake in the justification of both."

As a matter of fact, the opposition was very strong. The elders and three magistrates of Ipswich drew up and signed a formal protest. Even Winthrop himself admitted his methods to have been hasty, although he defended the policy pursued. He records La Tour's departure, with four ships, a pinnace, and sixteen pieces of artillery, nearly all which armament, with seventy soldiers, was hired in the colony, and immediately adds: "Three errors the Governor &c. committed in managing this business. 1. In giving La Tour an answer so suddenly (the very next day after his arrival). 2. In not advising with any of the elders, as their manner was in matters of less consequence. 3. In not calling upon God as they were wont to do in all public affairs, before they fell to consultation, &c."

At the next meeting of the General Court for the elections of 1644, Governor Winthrop received (as he no doubt regarded it) chastisement at the hands of Providence for these indiscretions by the election of John Endicott as Governor in his place, while to him was assigned the minor position of Deputy-Governor.

Formerly as Governor, and now as Deputy-Governor, Winthrop had opposed the agitation of the Deputies, or common freemen, for a more important participation in the administration of colonial affairs. This dis-

cussion reached a critical stage after the election of Endicott. The Magistrates rejected the restrictions which the Deputies wished to place upon their authority, whereupon the Deputies appealed to the clergy for an opinion as to the merits of the controversy. Or, as Winthrop states it in his Journal, under date of October 30, 1644, "all the elders were sent for to reconcile the difference between the magistrates and deputies."

One important question was "whether the magistrates are, by patent and election of the people, the standing council of this commonwealth in the vacancy of the general court, and have power accordingly to act in all cases subject to government, according to the said patent and the laws of this jurisdiction; and when any necessary occasions call for action from authority, in cases where there is no particular express law provided, there to be guided by the word of God, till the general court give particular rules in such cases."¹ The elders decided this question in the affirmative—a decided victory for the Magistrates, since it opposed the desire of the Deputies to confine the Magistrates' power to action in general court, in which body the Deputies participated equally.

Defeated here, the Deputies next declared that the General Court should proscribe fixed penalties for every possible violation of law, thus leaving no discretion in such cases to the Magistrates. The Magistrates thereupon propounded to the elders "Whether we may warrantably prescribe certain penalties to offences, which may probably admit variable

¹ History of New England. [Gov. Winthrop's Journal] Edited by James Savage. 1859. Vol. 2, p. 251.

degrees of guilt?" To this the elders in a long answer, favored latitude, or unprescribed penalties in all classes of cases affording variableness in the malignity of the crime. The Magistrates had also asked, "Whether a judge be bound to pronounce such sentence as a positive law prescribes, in case it be apparently above or beneath the merit of the offence?" Had a negative reply been received in this case, it will be seen that the Magistrates would have had the authority of the clergy in leaving a loop-hole for themselves, even if the Deputies by legislation in the General Court should succeed in restricting their powers by prescribing penalties in the statute laws. Such a decision would, indeed, have been a serious blow at the liberties of the freemen. It would have elevated the judicial above the legislative authority, and made all legislation superlative and useless, except at the option of the Magistrates. It would have offered opportunity to an unworthy judge to deliver a friend or fellow-partisan from the consequences of the most heinous crime, by inflicting a penalty absurdly inadequate, or to punish an enemy by the infliction of an unusual penalty for a trivial fault. But the ministers met this question with an answer which is surprisingly and unexpectedly fair and lenient, coming from that part of the Puritan community which we associate with the utmost stringency against wrong-doers.

"In those cases," they declared, "wherein the judge is persuaded in conscience, that a crime deserveth a greater punishment than the law in-

flicteth, he may lawfully pronounce sentence according to the prescript penalty, etc., because he hath no power committed to him by law to go higher. But when the law may seem to the conscience of the judge to inflict a greater penalty than the offence deserveth, it is his part to suspend his sentence, till by conference with the law-givers, he find liberty either to inflict the sentence or to mitigate it."¹

It was at this juncture that Gov. Winthrop composed the document we are about to describe. He himself speaks of it in his Journal, in connection with the foregoing controversy, as follows: "There fell out at this court another occasion of further trouble. The deputy governor having formerly, and from time to time, opposed the deputies' claim of judicial authority, and the prescribing of set penalties in cases which may admit variable degrees of guilt, which occasioned them to suspect, that he, and some others of the magistrates, did affect an arbitrary government, he now wrote a small treatise about these points, showing what arbitrary government was, and that our government (in the state it now stood) was not arbitrary, neither in the ground and foundation of it, nor in the exercise and administration thereof. And because it is of public, and (for the most part) of general concernment, and being a subject not formerly handled by any that I have met with, so as it may be of use to stir up some of more experience and more able parts to bestow their pains herein, I have therefore made bold to set down the whole discourse, with

the proceedings which happened about it, in a treatise by itself, with some alterations and additions (not in the substance of the matter) for clearer evidence of the question."¹

This "small treatise" served to a very marked degree to increase the dislike of the Deputies for its author, and it was largely responsible for the famous, or rather infamous, proceedings of the following year—the attempted, so-called "impeachment" of Gov. Winthrop, then Deputy-Governor, on charges of having passed arbitrary judgment in the case of some mutineers in the Hingham militia. In truth Winthrop had been most lenient and considerate in his treatment of the offenders, but some of them being well connected, a petition signed by a number of Hingham freemen demanded that the Deputy-Governor be called to account and humiliated by a public inquiry into his course as judge in the case. This petition was handed in to the Deputies, and the latter were very glad to "push it" in the General Court. Not merely were the Deputies opposed to Winthrop on general principles, as a leading and able opponent of their claims, but at the time of the composition of his "small treatise," during the preceding year, they had been entangled with the document in a way which has not yet been described, and which did not by any means increase their friendliness towards its author.

The Deputies, therefore, presented the petition to the Magistrates and

demanding an investigation, notwithstanding that they knew the charges preferred against Winthrop were manifestly preposterous and unjust, the circumstances of the Hingham mutiny being well known. The Magistrates would indignantly have quashed the entire affair, had not the sensitive Winthrop in his turn demanded a public inquiry. The proceedings which followed form one of the most remarkable chapters in the early history of Massachusetts.² Winthrop was publicly exonerated and his accusers reprimanded and fined, while his old enemies, the Deputies, were compelled to participate in inflicting these penalties upon the persons whose unjust cause they had espoused in the hope of gratifying an old grudge.

It is at this point in his *Journal* that Winthrop once more refers to his treatise, in order to show, for the sake of "posterity" as he says, the part which that document played in inciting the attempt to impeach him. It will be remembered that in the passage already quoted, referring to the treatise, he declares his intention "to set down the whole discourse, with the proceedings which happened about it, in a treatise by itself." He did not quite fulfill this promise in the manuscript which has come down to us, but considerable touching "the proceedings which happened about it" occurs in his *Journal*, in the second reference to the treatise, after his narration of the Hingham affairs. He first briefly reviews the differences

¹ *Ibid.*, pp. 256-7.

² "The squabble of these militia-men at Hingham may take its place on the historic page with the three penny tea-tax of our Revolutionary period, as

illustrations of the petty hinges on which the . . . constitution of a state, or even the fate of a nation, may turn."—*Life and Letters of John Winthrop*, vol. 2 chapter 22.

between the Magistrates and Deputies, in which the Elders were called in as arbitrators, and then proceeds:

"This gave occasion to the deputy governor to write that treatise about arbitrary government, which he first tendered to the deputies in a model, and finding it approved by some, and silence in others, he drew it up more at large, and having advised with most of the magistrates and elders about it, he intended to have presented it orderly to the Court. But to prevent that, the first day of the Court, the deputies had gotten a copy, which was presently read amongst them as a dangerous libel of some unknown author, and a committee was presently appointed to examine it, many false and dangerous things were collected out of it, all agreed and voted by them, and sent up to the magistrates for their assent, not seeming all this time to take any notice of the author, nor once moving to have his answer about it, for they feared that his place in the council would have excused him from censure. . . . But if they could have prevailed to have had the book censured, this would have weakened his position with the people; . . . but this not succeeding as they expected, they kept it *in deposito* till some fitter season."

The "fitter season" seemed to arrive with the Hingham mutiny, but, fortunately, when the Deputies sought to avail themselves of it, it proved a boomerang. We find no slightest mention of the interesting "proceedings which happened about" the discourse, nor even an intimation of the existence of such a document, in the Massachusetts Court Records, nor in

any other source except Winthrop's Journal. Here however, we find an account quite satisfactory of the circumstances attending the composition of the tract, as also of the part it played in history, yet no scrap is given of the text of the document, nor of the report of the Deputies' committee "appointed to examine it," by whom, after "many false and dangerous things were collected out of it, all agreed and voted by them," it was "sent up" to the Magistrates for their assent."

In fact this interesting document long eluded the antiquary's search, and not until about thirty years ago was a copy unearthed. This single known existing copy is a gift from Robert C. Winthrop, to the Boston Public Library, and through the courtesy of the Librarian of that institution it was recently examined by the writer. The manuscript is in Gov. Winthrop's own hand-writing, and was handsomely mounted and bound by Mr. Robert C. Winthrop, and accompanied by the following introduction, in the latter's bold chirography:

"The Autograph Tract of John Winthrop contained in this volume was found by me among a mass of family Papers, which had become the inheritance of a Cousin of mine at New London, Connecticut, and which I procured and brought to Boston in 1861.

"From that mass of Papers, which had hardly been disturbed for two centuries, I have already contributed three volumes of 'Winthrop Papers' to the Collections of The Massachusetts Historical Society; and two volumes of the 'Life and Letters' of

Governor Winthrop have been prepared and published by myself.

"I have given a sufficient account of the circumstances under which this Tract was written, and of the Controversy to which it gave occasion, in the 21st chapter of the 'Life and Letters.'

"Meantime, the whole Essay, as originally decyphered and copied by me, will be found in the Appendix to the same volume—the 2d volume—pp. 440-459.

"I am not aware that it had ever been printed until 1867. It was probably circulated in manuscript, at the time it was written, and copies of it may have been multiplied for that purpose. That was the mode in which Papers of this sort were 'published,' as it was called, at that early period.

"No copy, except this original autograph copy by the Author, is known to have survived the lapse of two centuries and a quarter.

"As a vindication of the Government of Massachusetts from the aspersion of being an Arbitrary Government, by one who has been called the Father of the State, and who originally brought over the Charter and administered it for so many years as Governor, this Essay has a peculiar historical value.

"But its main interest at this day, and in time to come, will be, as an elaborate and characteristic Autograph, of one who was so prominently associated with the earliest foundation of our State and City, and whose statue has recently been sent to the Capitol at Washington, as the representative man of our Colonial Period.

"In that view I take pleasure in presenting it to the Public Library of Boston, for exhibition and preservation in the archives of that Institution.

"ROBERT C. WINTHROP.

"BOSTON,

"24 May, 1877."

But in addition to the historical value of this document in view of the important part it played in the story of a Commonwealth, and in addition to the interest belonging to the existing copy both by reason of its eminent authorship, and the fact of its being an autograph copy, a personal historical interest not mentioned by Mr. Robert Winthrop attaches to the tract.

The foregoing review of the circumstances attending its composition, presents Governor Winthrop in the attitude of one recently retired from the highest office in the colony, principally because of a stroke of policy which many considered arbitrary, hasty and unwise, and which certainly was done without assembling the court or securing consultation with all the authorities. Moreover, from a passage in his Journal, already quoted, it is certain that, as Governor, Winthrop had not evinced a friendly attitude toward the demand for greater power and authority on the part of the Deputies. On this account, as he states, many of the freemen suspected him of favoring arbitrary government. "The deputy governor having formerly [as Governor undoubtedly], and from time to time, opposed the deputies' claim of judicial authority, and the prescribing of set penalties in cases which may admit variable degrees

of guilt, which occasioned them to suspect that he and some others of the magistrates did affect an arbitrary government, he now wrote a small treatise," etc.

Thus we have, in reality, not merely a philosophical vindication of the colonial government, but a labored defence of his own methods of administration, and an exposition of personal views, from the man who had been Governor of the colony continuously, from October, 1629, to May, 1644, with the single exception of an interval of three years during which there were three successive governors.

This view of the document, as a defence of Winthrop's administration, makes the perusal of its subject matter very interesting to the student of history, but the considerable length of the tract makes it impossible to present here more than the briefest outline of its doctrines, with the reproduction of a sample page of the manuscript, showing the Governor's autograph.

The outside page of the manuscript bears the general title, "ARBITRARY GOVERNMENT DESCRIBED: & THE GOVERNMENT OF THE MASSACHUSETTS VINDICATED FROM THAT ASPERSION." The heading of the treatise proper somewhat amplifies this caption, as follows: "*Arbitrary Government described, & the common mistakes about the same (both in the true nature thereof, & in the representation of the Government of the Massachusetts, under such a notion) fully cleared.*" In the first few sentences the entire subject to be discussed is thus succinctly stated:

"Arbitrary Government is, where a

people have men sett over them, without their choyce, or allowance: who have power to governe them, & Judge their Causes without a Rule.

"God onely hathe this prerogative: whose Sovereintye is absolute, & whose will is a perfecte Rule, & Reason it selfe; so as for man to usurpe suche Aut^{re}, [authority] is tiranye, & impietye.

"Where the people have Libt^{re} to admitt, or reject their Governours; & to require the Rule by which they shal be governed & Judged, this is not an Arbitrary Govern^t.

"That the Govern^t of the Massachusetts is such will appeare, 1: by the foundation of it: 2: by the positive Lawes therof: 3: by the constant practice, which proves a custome, then which (when it is for common good) there is no Lawe of man more inviolable."

In showing first, that the Massachusetts Government is not arbitrary "by the foundation of it," he cites the provisions of the patent or charter from the king, whereby the "members of this bodye politike are reduced under 2: kinds, Governor & Companye, or Freeman," the "power of Authority" being placed "under the name of the Governor (not as a person, but as a State)," while on the other hand with the Company or freemen "is placed the power of Liberty;—which is not a bare passave capacitee of freedome, or immunitye, but suche a Lib^{tye}, as hathe power to Acte upon the chiefest meanes of its owne wellfare (yet in a way of Lib^{tye}, not of Authoritye) & that under 2: generall heads, election, & counsell."

In the second place the charge of

arbitrariness is refuted "by the positive Lawes therof," whereby, says Winthrop, "it is declared, that The generall Court only [in which the freemen participate] may make freemen: make Lawes: choose Generall officers, as Governor, Dep^{tie}, Assistants, treasurer, &c: remove suche: sett out their power & dutye: rayse monyes: dispose of lands in proprieties: not to be dissolved but by consent of the major parte."

And thirdly he shows that these liberties, granted in the original charter, and re-iterated in the enacted laws of the colony, have been emphasized by their observance—"by the constant practice, which proves a custome, then which (when it is for common good) there is no Lawe of man more inviolable." He declares that "Accordinge to these fundamentall Rules, & positive Lawes, the Course of Governm^t hath been carried on in the practice of publicke Administrations to this verye daye, & where any considerable obliquitye hath been discerned, it hath been soone brought to the Rule & redressed: for it is not possible in the infancye of a plantation, subjecte to so many & variable occurrents, to holde so exactly to Rules, as when a state is once settled."

The rest of the treatise is largely taken up with the argument we have already referred to, that it were better not to prescribe exact penalties in the statutes where the nature of the crime permitted variableness in the severity of the deserved punishment. Winthrop quaintly, but not very forcibly, we would to-day agree, declares that "If all penaltyes were prescribed, the Jurye should state the

case, & the booke holde forth the sentence & any Schoolboye might pronounce it: then what need were there of any speciall wisdome, learninge, Courage, zeale, or faithfulness in a Judge?" All this clearly emphasizes the radical difference in the powers of a magistrate in that day and in this. A chief concern and license of the Puritan judge evidently was in devising proper sentences for the individual cases of guilt which from time to time confronted him. His wisdom consisted in his ability to "make the punishment fit the crime." But all this has changed. The contention of the Deputies for prescribed penalties has been fully vindicated in our modern judicial system. The chief duties of the modern judge lie merely in the interpretation or statement of the law as it exists, and the direction of its application in determining guilt or innocence in any given case. As for license or liberty in determining punishment, guilt being once established, he enjoys it not in the faintest degree, beyond the plainly prescribed penalty or range of penalty. The modern judge would no more dream of inventing a punishment, where none is prescribed in the statutes, than he would think of usurping legislative power to abrogate penalties that are so prescribed. In fact, the judge of our system is merely Winthrop's "schoolboye," pronouncing the sentence which the "booke holdes forth."

In closing his treatise, Governor Winthrop declares: "The Conclusion is this: The Government of the Massachusetts consists of Magistrates & Freeman: in the one is placed the

Auth^{re}, in the other the Lib^{tye} of the Com: W: [commonwealth] either hath power to Acte, both alone, & both together, yet by a distinct power, the one of Lib^{tye}, the other of Auth^{re}: the Freeman Act of themselves in Electinge their Magistrates & Officers: The Magistrates Act alone in all occurrences out of Court: & both Acte together in the Gen^l. Court: yet all limited by certaine Rules, bothe in the greater & smaller affaires: so as the Governm^t is Regular in a mixt Aristocratie, & no wayes Arbitrary."

It will be remembered that a copy of this treatise was examined by a committee of the Deputies, as Winthrop informs us, as though it were an anonymous libel, and that an adverse report was sent up to the Magistrates, where it was squelched. The nature of this report becomes a matter of great curiosity, and, happily, Winthrop has furnished us with what we may presume to be a correct copy, having in his candor appended the Deputies' criticism to his treatise, in the interesting manuscript which has come down to us. This report is of course a copy in his own autograph like the rest of the document. It is brief, but bristling, as follows:

"*The Returnes of the Committee of the house of Dep: concerning the Book about Arbitrary Governm^t, in the examⁿ thereof: & the votes of the house passed upon each pticular, viz:*

"In the 1: pte thereof

"1: Concerninge the Definitio, therein made, we conceive it is defective.

"2: Concerninge the distinction therein made of the bodye Polit^k, &

the members thereof, in attributing Autye to the one, and onely Lib^{tye} to the other: we finde not any suche distinctio in the Patent.

"3: Concerninge the Clause recited therein (respecting the gen^l Court) w^{ch} gives onely Lib^{tye} to the freemen, to advise & Counsell, instead of power & Autye (w^{ch} the Patent allowes) we conceive it a takinge awaye of the power & priviledges of the freemen.

"In the 2: pte of the Booke, w^{ch} concernes the Rule by w^{ch} a people should be governed, we finde these dangerous positions.

"1: That gen^l Rules are sufficient to cleare a state from Arbitrary Governm^t.

"2: That Judges ought to have Lib^{tye} to varye from such gen^l Rules when they see Cause.

"In the followinge of the first of those 2: positions there are many dangerous passages, & bitter censurings of all penall Lawes. As

"1: That they are paper Sentences of human Autye & inventio.

"2: That mens prescript Sentences doe denye & exclude bothe the wisdom of God, & the Aut^{re} of the Judge.

"3: That to prescribe Lawes wth certaine penalties is Usurpinge of God's Aut^{re}.

"4: That a Sentence ought not to be provided before the case fall out, but imediate Assistance to be expected.

"5: That ptic^lr Lawes includinge certaine penalties are not Just, wanting Rule—

"The Introduction of ptic^lr Instances w^{ch} are brought to prove this second position, wth the Reasons &

consequences, are penitious & dangerous.

"p Robt. Bridges

"By order etc."

The manuscript closes with Winthrop's reply to these charges, in which he denies having made most of the statements in the force in which they are interpreted. We have no space in which to detail this defense except to admit Winthrop's claim that his critics have very evidently distorted his assertions in many instances in order to make out a bad case against him. It is the closing page of this defence against the committee—which is also the closing page of the entire manuscript and contains Winthrop's signature—which we have reproduced in facsimile here. We present the interpretation of the page for comparison with the autograph. On the preceding page he denies that he has objected to all prescribed penalties, but only contended that they be omitted in certain moral cases. He now continues on the final page:

"Nor doe I oppose all prescript penalties in morall cases but onely suche as doe crosse some cleare Rules in the worde of God, as will appeare by all my Arguments. And for avoydinge all danger to the subject for want of prescript penalties in some Cases you may see that to require some suche lawe to be made, as may limitt Judges wthin suche bounds of moderatio, as may prevent such dangers, [& is one of my expresse conclusions in the first page, that Judges

ought to be tyed to a Rule & suche a Rule, as may be required of them in all their Administrations, & therefore upon what grounde I should be charged to assert Arbitrarye Governm^t & that Judges should have Lib^{tye} to doe what they maye, I leave to your judg^t]¹. As for Lawes, you shall finde also, that I conclude the necessity of declaringe & statinge them, so as all the people may knowe them, for I ever held it unjust, to require of men the obedience to any Lawe w^{ch} they may not (by comon Intendm^t) take notice off. Answerable thereunto hathe been my practice. All the usefull Lawes we have, had my consent, & suche poore helpe as the Lord enabled me, to yield to them: some of w^{ch} have prescribed penalties, & where I have wthhelde my consent to any suche penalties, I have given my reasons for it, w^{ch} have been such as in some Cases have satisfied the Court, & therein I have taken no more lib^{tye} then is allowed to every member of the Court. I will not justifie every passage in my booke: there are 2: or 3: words that offence hathe been taken at, & althoughe I can give a safe account of them, yet I must confesse they doe not nowe please me, but when the matter is good, & the intention of the writer honest, the Lorde forbids us to make a man an Offender in a word. Whatsoever is erroneious (I say as I did from the first) I shall leave it to its due censure: but for all that is of God & of the truth, [Here follows the erased line & signature shown in the MS.] or the sincerity of

¹ The lines enclosed in brackets do not appear on the page as here reproduced. They constitute an addition which was written on the margin of the page, but could not be included in the fac-simile

without a considerable reduction in the size of the entire page. The star at the end of the sixth line of the MS. as shown is the reference to the marginal addition.

my intentions herein to the public weale, or the Liberty I had by my place to propounde suche considerations to the Court, if these be questioned I must stande & fall with them.

"JO: WINTHROP."

It may be said in conclusion that the real value of this remarkable document will never be fully appreciated until some historian has made a full and exhaustive study of the evolution of our judiciary, and of the struggle between conservatism and radicalism in our nation, from the first planting of Massachusetts to the present time. While it is true that the contention of the Deputies, rather than the opinions of Winthrop, was destined to predominate in our present system of government, yet in the personal methods of the early contestants we find, as often before it has fallen out in history, the advocates of liberty and progress less

scrupulous and honorable than their opponent, whose more conservative ideas were attended by more unswerving integrity and greater candor.

If in imagination we carry Winthrop forward a century and a half, without hesitation we place him with Washington, Adams and Hamilton, among the advocates of a strong central government, as opposed to the restrictions on authority demanded by the more democratic Jefferson. In justice to Winthrop it should also be said in this connection that the fault of his administration as Governor in the eyes of the Puritan Elders was his constant tendency toward leniency, rather than undue severity, in the consideration of wrong-doing. In fact, he was formally taken to task for his laxity, and ever after sought to guard against this evil predilection, as he was led by the elders to consider it.

FRANK ALLABEN.





A Notable "Evacuation Day," November 25th, commemorative of the evacuation of the city of New York by the British in 1783—the closing act of the Revolutionary War—was celebrated with unusual fervor in the metropolis this year. There are always the flag-raising at the Battery and other points, with salutes from cannon, at sunrise. But on the present occasion the "Sons of the Revolution" took a conspicuous part in carrying out some of the purposes for which the society was formed. It was founded in 1876 by John Austin Stevens, the well-known historian. In 1884 the society was incorporated, being composed of members who can trace a descent from participators in the Revolutionary War, whether as officers or as privates.

Under the auspices of the "Sons of the Revolution," a Memorial Tablet was prepared of bronze, to commemorate the action of Col. Marinus Willett in 1775, in stopping the removal of arms from the city by the British. Single-handed, by the moral force of law and right sustaining him, he stopped a troop of soldiers from carrying out this purpose. This took place on

the corner of Broad and Beaver streets; and the owner of the large building (not quite completed) standing there, has permitted the tablet to be placed upon it.

Under the picture is the following inscription:

To Commemorate the Gallant and Patriotic Act of Marinus Willett in Here Seizing, June 6, 1775, from British Forces, the Muskets with Which He Armed His Troops. This Tablet is Erected by the Society of the Sons of the Revolution, New York, Nov., 1892.

In the left hand of the slab is engraved the round coat-of-arms of the society, with the names of Daniel Butterfield, Floyd Clarkson, Morgan Dix, John Austin Stevens and David Wolfe Bishop, the members of the Memorializing, Committee inscribed beneath.

In the space between the medallion and the bas-relief, representing Willett's bravery, is this inscription:

MARINUS WILLETT.

Born July, 1740.

Died Aug., 1830.

Officer of New York Militia 1775--78. Sheriff of New York 1784--92. Mayor of New York 1807--08. President of Electoral College 1824.

The exercises at the Morris Building yesterday were very brief. Gen. Daniel Butterfield began the dedication of the tablet with a short, grace-

ful little speech in which he told about the career and distinguished services of the Revolutionary Marinus.

Dr. Morgan Dix—who, by the way is a great-grand-nephew of Willett through his mother—read two communications, one from the Committee on tablets for the Society of the Sons of the Revolution, and the other from Frederick S. Tallmadge, the President, who was in charge of the proceedings yesterday. After that, the bronze slab was given over to the workmen, who began at once to place it on the Broad street side of the structure, and by three o'clock the riveters had it firmly nailed to the walls. The tablet was designed by W. A. Cable and is an interesting piece of work.

Marinus Willett distinguished himself afterwards in the campaign against Gen. St. Leger and his Indians, in connection with which was fought the battle of Oriskany. In 1807 he was mayor of New York; an interesting coincidence being that the very first mayor of New York under the English rule was his great-great-grandfather, who was appointed in 1665. In 1830 he died.

Of the other six tablets some are already completed and the others will be finished very soon. They will be placed in their respective positions from time to time without any further public exercises. One of them is to mark the site of the battle of Golden Hill, in John street, near Nassau street, which occurred between the Sons of Liberty and the British regulars.

The third tablet will be placed on the front of the City Hall to mark the event and recall the publication of the Declaration of Independence to the American Army in the presence of Washington on July 9, 1776, in front of the site now occupied by the City Hall.

The fourth tablet, which will be placed in front of the Washington Building, No. 1 Broadway, is to mark the site of the Kennedy House, headquarters of Gen. Charles Lee, and afterwards of Washington. The Kennedy House stood where the Washington Building now stands, opposite Bowling Green, where the leaden statue of King George III., of England, was torn down, on the day that the Declaration of Independence was read to the army, and afterwards melted into bullets.

The tablet at Fraunce's Tavern, formerly known as Queen's Head Tavern, will be put up to commemorate Washington's arrival there on Evacuation Day, 1783, and his leave-taking of the officials of the army there Dec. 3, of the same year.

Washington, accompanied by Gens. Lee and Schuyler, arrived in New York on Sunday, July 23, 1775, escorted by a company of horse-guards from Philadelphia. They crossed the river at Hoboken, and landed at Col. Lisenard's estate, near the intersection of Laight and Greenwich streets. At this point another tablet is to be erected.

The last of the seven tablets is to be placed at a point yet to be selected between Morningside Park and Breakneck Hill, where the battle of Harlem took place in September, 1776. The tablet is in memory of

the battle which occurred there and in honor of Col. Knowlton and Mayor Leitch.

With the exception of that of Willett the tablets are of uniform design and size—two by three feet—with the inscription and seal of the society, the whole bordered by an olive wreath.

It is the purpose of the committee which has charge of these tablets to mark every point of historical interest in New York City and State as fast as funds are contributed by members of the society and other patriotic citizens. The committee already has sufficient funds on hand for several more, and application has been made to the Secretary of War for permission to place tablets on the sites of Fort Putnam and Fort Webb, at West Point.

* * *

The
Trading Post
as an
Institution.

Another Johns Hopkins University
"study" from the
pen of Prof. Frederick
J. Turner, is given to
"The Character and

Influence of the Indian Trade in Wisconsin." He begins with the statement of a principle of economics as true as it is interesting:

"The trading post is an old and influential institution. Established in the midst of an undeveloped society by a more advanced people, it is a center not only of new economic influences, but also of all the transforming forces that accompany the intercourse of a higher with a lower civilization. The Phœnicians developed the institution into a great historic agency." He traces the estab-

lishment of trading posts in America, and their effect here, and approaches his special subject as follows: "Of all the colonies that fell to the English, New York alone had a water system that favored communication with the interior, tapping the St. Lawrence and opening a way to Lake Ontario. Prevented by the Iroquois friends of the Dutch and English from reaching the northwest by way of the lower lakes, the French ascended the Ottawa, reached Lake Nipissing, and passed by way of Georgian Bay to the islands of Lake Huron. As late as the nineteenth century this was the common route for the fur trade, for it was more certain for the birch canoes than the tempestuous route of the lakes. At the Huron islands two ways opened before their canoes. The straits of Michillimackinac permitted them to enter Lake Michigan, and from this led the two routes to the Mississippi; one by way of Green Bay and the Fox and Wisconsin, and the other by way of the lake to the Chicago river. But if the trader chose to go from the Huron Islands through Sault Ste. Marie into Lake Superior, the necessities of his frail craft required him to hug the shore, and the rumors of copper mines induced the first traders to take the South Shore, and here the lakes of northern Wisconsin and Minnesota afford connecting links between the streams that seek Lake Superior and those that seek the Mississippi, a fact which made northern Wisconsin more important in this epoch than the southern portion of the State. We are now able to see how the river courses of the northwest permitted a complete exploration of the country and

that in these courses Wisconsin held a commanding position. But these rivers not only permitted exploration; they also furnished a motive to exploration by the fact that their valleys teemed with fur-bearing animals. This is the main fact in connection with northwestern explorations. The hope of a route to China was always influential, as was also the search for mines, but the practical inducements were the profitable trade with the Indians for beaver and buffaloes and the wild life that accompanied it. So powerful was the combined influence of these far-stretching rivers and the hardy, adventurous, lawless, fascinating fur-trade, that the scanty population of Canada was irresistibly drawn from agricultural settlements into the interminable recesses of the continent; and herein is a leading explanation of the lack of permanent French influence in America."

* * *

History, either as
Hudson's **Repast** historical investiga-
on tion, or historical
imagination, can do
"Fat Dog." no better service
to humanity than to
settle to the perfect contentment of
our latter-day stomachs, whether
Henry Hudson, the illustrious discoverer of the majestic river bearing his name, once partook of "fat dog" or not! Quaint old Robert Juet, his English mate, in his veracious log-book, minutely recording every day's happening on that memorable voyage up the Hudson in September, 1609, brings the Half-Moon up about the site of Hudson City, on the 18th. There was not much going beyond that point with the larger vessel,

and while the ship's boat was sent up further to explore the country and to sound the river, the Captain went ashore. Juet says the "master's mate" went on land. But the more scholarly historian and merchant De Laet, quotes from Hudson's own journal, and distinctly states that the Captain himself did so. An old chief living in a circular house, whose arched roof and sides were covered with bark, entertained him. Vegetable products of fine quality and in great variety were visible in profusion, and a feast was prepared in honor of the navigator. Besides the delicious vegetables, several pigeons were killed, and a "fat dog" was set before the stranger for his delectation. Hudson forbears to mention, or at least De Laet omits to quote him to that effect, whether he partook of this particular delicacy.

But now it really becomes time to seriously consider whether a "fat dog" were set before Hudson at all. In all accounts of the encounter of white men with the Indians, the latter seem to be mystified at the appearance of the dog, and when he barks they think the devil is to pay, and they scamper away in total disregard of the many romancers who depict their gallantry and invincible valor. We get glimpses here and there, not in the forests, but in the works of sober historians, of a dog possessed by Indians who does not bark. But who ever heard of such an anomaly! The nearest the pristine Indians on their native plains ever got to having dogs, was in the matter of the prairie-dog; and surely any one who has seen this specimen

must recognize at once what a stupendous libel it is on the true dog to have this creature designated by that name.

Having then no dogs among his accessible fauna, how could that polite old chief have set a "fat dog" before Hudson? We have an idea it was the carcass of a 'possum, or coon, or woodchuck, which attracted the Captain's eye, and awakened his suspicion—a suspicion much more legitimate under the circumstances than that wherewith we regard the modern sausage. So then even if Hudson, after a long sea voyage, overcame his natural reluctance to "fat dog," and ventured to partake of it, he may still escape the imputation of having made a repast on "fat dog." It was fried woodchuck, or parboiled and baked 'possum—the delight of the North Carolina negro—or possibly a barbecued coon, of which he ate; and thus while our stomachs revolt at the idea of his feasting on the thing supposed, we would have had no objection to joining him in dining on one of the others. Our esteem for the man whom we could thus have dined with on this interesting occasion must therefore be materially elevated.

* * *

The Queen of Castile. At the celebration of the 400th anniversary of the treaty and capitulation between Ferdinand, Isabella and Columbus, at Columbia college, New York, at which was read Mr. Carleton's poem, General C. W. Darling, of the Oneida Historical Society, spoke of certain marked

traits in the character of Isabella. He gave an interesting sketch of the early life of Isabella from her birth in Madrigal, April 22, 1451, to the time of her marriage with Ferdinand, afterwards King of Aragon, Oct. 19, 1469, and her accession to the throne of Castile, Dec. 13, 1474. Isabella was described as exceedingly beautiful in person and most gracious in her manners. She had a kindly heart, but an inflexible will. She had considerable learning and political ability, and as a loving wife she was and yet is revered by Spaniards as the purest glory of their royal annals. Her portrait still hangs in the royal palace of Madrid and is conspicuous for symmetry of features indicative of the natural serenity of temper, and that beautiful harmony of intellectual and moral qualities for which she was highly distinguished. In her demeanor she was dignified and modest even to a degree of reserve, and in her taste for literature she was superior to Ferdinand. She was a woman of great presence of mind. The speaker alluded to the principal events in the reign of Isabella and gave several examples of the spirit with which she asserted the dignity of the crown. Her fostering and maternal care was continually directed to reform the laws and heal the ills engendered by a long course of internal wars. She loved her people, and while diligently seeking their good, she mitigated, as much as possible, the harsh measures of her husband, directed to the same end but inflamed by a mistaken zeal. When Columbus appeared before the king and queen at Santa Fe and pictured to them the country he

expected to reach by sailing westward, Isabella said: "I will assume the undertaking for my crown of Castile, and I am ready to pawn my jewels to defray the expenses of the expedition if the funds in the treasury shall be found inadequate." The treasury had been reduced by the war just ended, but the receiver, St. Angel, advanced the sums required from the Aragonese revenues deposited in his hands. Aragon, however, was not considered as taking part in the fitting out of this expedition, the charges and emoluments of which were reserved exclusively for Castile. A definite arrangement was thus secured and concluded with the Spanish sovereigns, April 17, 1492, and by the terms of capitulation Ferdinand and Isabella constituted Christopher Col-

umbus their admiral, viceroy and governor-general of all such islands and continents as he should discover in the western ocean, with the privilege of nominating three candidates, for the selection of one by the crown, for the government of each of these territories. No sooner were the arrangements completed than Isabella prepared with her characteristic promptness to forward the expedition by the most efficient measures. Orders were sent to Seville and the other parts of Andalusia, to furnish stores requisite for the voyage. The fleet consisted of three vessels, and the little squadron started out with one hundred and twenty persons on board, with instructions to keep clear of the African coast and the maritime possessions of Portugal.



NOTES FROM THE HISTORICAL SOCIETIES

The annual meeting of the New Haven Colony Historical Society, (Conn.), was held at the society room Nov. 19. The officers of last year were re-elected. Mr. Henry T. Blake read a paper on the "Story of Wyoming." The paper was generally acknowledged as one of the most interesting papers ever read before the society, dealing as it did, with some of the most exciting events in the history of the early settlement of the country. The first part of the paper dwelt on the history of the foundation of the settlement and contained an account of numerous battles that were waged between the settlers from Connecticut and Pennsylvania, also a detailed account of the terrible and memorable massacre at Wyoming. The second part of the paper will be read by Mr. Blake at the December meeting of the society.

The Connecticut Historical Society, (Hartford), held its monthly meeting Dec. 6. An interesting paper on "The Settlement of Naubuc and Nayaug" was read by Judge Sherman W. Adams. Frank B. Gay tendered his resignation as librarian of the society, on account of his increasing duties as librarian of the Watkinson library.

Among the manuscripts in the so-

ciety perhaps the most valuable historically, are the papers relating to the case of Silas Deane. The society three or four years ago gave permission to Charles Isham, librarian of the New York Historical Society, to make use of the papers in a work on Deane. The society has recently received two volumes containing the Deane papers from 1774 to 1778, published by the New York society. Mrs. Thomas, Deane's granddaughter, at Norwich, has a large collection of manuscripts referring to matters occurring in Deane's time, and it has been suggested that some effort should be made to place them in the archives of the society.

Deane died as an outcast and his body lies in a forgotten grave in England. Now that efforts are being made to bring home the bodies of Barlow and others, members of the society are considering whether Deane's remains should not be recovered and brought back to Connecticut.

In a recent letter to Professor Samuel Hart, corresponding secretary of the Connecticut society, Charles Isham, librarian of the New York society, says that the third and fourth volumes of the Deane papers now in process of compilation will contain the remarkable cipher letters preceding the "Rebel Mail," and two drafts

of unpublished "Defenses" wherein Deane gives his conception of the character and motives of several eminent patriots, together with strange political incidents at Philadelphia during the years 1788-9-80.

The directors of the Kansas State Historical Society recently held a meeting at Topeka to complete the biennial report of the society. Their annual meeting occurs on the 17th of January, and Henry King of the St. Louis Globe-Democrat, J. R. Mead of Wichita and Jacob Stotler of Wellington were invited to prepare papers for that occasion.

A resolution was adopted that Monday, the 30th day of January next, be observed by the society as "Kansas Day." A committee was appointed to make arrangements for a proper observance of the day, and to invite a reunion of Kansas writers and authors, especially of the authors of books and pamphlets which have been contributed to the library of this society. The exercises will also have particular reference to John G. Whittier, as in a large sense the poet of Kansas.

From the report it will be seen that the library additions of books, pamphlets, newspapers and periodicals, during the two years, number 12,184 volumes. Of these, 11,588 have been procured by gift and exchanges, and 596 by purchase.

The total of the library at the present time is as follows, namely: 14,414 bound volumes, 43,063 unbound volumes and pamphlets, and 12,633 bound newspaper files and volumes of periodicals; in all, 70,110 volumes.

The stated meeting of the Massa-

chusetts Historical Society, (Boston) was held Dec. 8.

After a brief reference to Mr. Adams' paper, read at the last meeting, Gamaliel Bradford spoke of the essential features of English colonization, which he traced to differences of government and institutions, rather than to differences of race. Continuing the discussion, Judge Chamberlain expressed his dissent from some of the views of Mr. Adams, and pointed out the services which had been rendered to civilization by the Latin races. Mr. Adams replied in a few words to these criticisms.

Winslow Warren inquired whether there was any contemporary evidence that James Otis was at the battle of Bunker Hill, other than a letter from James Warren, written at Cambridge on the day after the battle.

Dr. S. A. Green exhibited a curious collection of fac-similes of early Boston newspapers and other rare publications, which had been issued without any explanation of the fact that they were not originals. So far as he could learn, the issue of these spurious copies began 40 years ago, before the period when exact fac-similes could be made by the various processes so well known to-day. At that time the appearance of the original was imitated as closely as type would allow, and by the use of paper slightly discolored the general effect was fairly good.

It was decided to publish a volume of Belcher Papers from the letter books of Jonathan Belcher, one of the royal governors of Massachusetts. The new serial number of the "Proceedings of the Society," including

the October and November meetings, contains, among other articles, Mr. Adams' paper on "The Spanish Discovery of America."

At the sessions of the Maine Historical Society (Portland) held Dec. 9th, the following papers were presented:

Fort Pentagoet of Castine, by Dr. George A. Wheeler.

Ancient Cork on the Kennebec, by Rev. Henry O. Thayer.

Arrowsie in the Seventeenth Century, by Parker M. Reed.

Some account of the Cochranites of York County, by Lincoln R. Loring.

Sketch of the Life of Rev. Simon Locke of Lyman, Me., by John S. Locke.

The Mission of Father Rale as depicted by Himself, by Rev. E. C. Cummings.

The Minnesota Historical Society, (St. Paul) assembled in regular session Nov. 17. The librarian reported valuable gifts. Mr. Upham, from a committee to solicit from the heirs of the late Gen. Sibley his papers, reported that they would give the same to this society, and that there were "seven barrels" of them. Mr. Wm. H. Grant spoke of the duty of the society taking vigorous steps to erect a fire-proof building for its use. The president was ordered to appoint a committee to prepare a plan of procedure to secure the object.

The October meeting of the Trinity College Historical Society, (N. C.)

conducted under the auspices of the students and teachers of the college, was a Columbus symposium. Papers were read by Dr. Stephen B. Weeks, J. A. Baldwin, J. F. Shinn and Prof. J. L. Armstrong.

The principal paper of the December meeting was by Mr. J. F. Shinn on the first discovery of gold in North Carolina in 1799. This was found in what is now Cabarrus county and a lump weighing twenty-eight pounds has been taken from the mine. Dr. Weeks asked subscriptions to the new monument which is to be erected in Raleigh to the Confederate soldiers of North Carolina. He also made some remarks on the Confederate press. The war caused a rapid development of the printing industry in the south and all sorts of works were produced. Dr. Weeks is collecting materials for a history of the Confederate press and will be glad to receive materials relating to the subject, including books, catalogues and other pamphlets, maps, music, engravings, money, &c.

At the November meeting of The Historical Society of Western Pennsylvania, (Pittsburg,) a paper was read by Rev. A. A. Lambing, entitled: "Some Pioneer Customs of Western Pennsylvania." Other papers and a number of original documents of considerable historical interest were also read.

THE OHIO SOCIETY AND OHIO IN NEW YORK.

GENERAL HENRY L. BURNETT.

THE Burnett family—or Burnet, as it has been frequently spelled—is one of the oldest and most honorable in the United States. More than one of its representatives have occupied positions of eminence and usefulness in the history of the country. One of the first of the name who attained distinction was William Burnet, Colonial Governor of New York and New Jersey from 1720 to 1728, and afterwards Governor of the colonies of Massachusetts and New Hampshire. Governor Burnet is the direct ancestor of the branch of the family from which General Henry L. Burnett is descended.

Another in the line—the grandfather of Henry L.—was a prominent supporter of the Revolution and a personal friend of Washington. His name is not infrequently mentioned in old records of the time, and he shared with Robert Morris and other patriots the honor of becoming bankrupt by the dedication of his fortune to the cause of independence. Others of the family, near relatives of this man and living in the same State of New Jersey, rendered like distinguished service to the country in that early struggle. William Burnet, a prominent New Jersey physician was a member of the famous Continental Congress of 1776, and of the same body in 1780-'81. From the year '76 till the close of the war, he held the responsible position of Surgeon-General for the Eastern District

of the United States. He also suffered a great loss of property in the contest, including his valuable library destroyed by British marauders. He was the father of several illustrious sons: Dr. William Burnet Jr., of New Jersey; Major Ichabod Burnet, of Georgia; Hon. Jacob Burnet, a distinguished Ohio pioneer; and David G. Burnet, co-laborer with Gen. Houston in securing the independence of Texas, elected Provisional President of the Republic of Texas, chosen Vice-President of the same during Houston's term as President, and elected to the United States Senate from Texas in 1866.

Along other collateral lines of the family were Henry Clay Burnett, of Kentucky, who served four terms in Congress, and upon the secession of his State, represented it in the Confederate Senate; Peter Hardeman Burnett, born in Nashville, Tenn., and afterwards made Governor of California; Waldo Irving Burnett, of Massachusetts, author and naturalist, who gave great promise, but was stricken down by disease at the age of twenty-six; and Gen. Ward Benjamin Burnett, who won distinction in the Mexican War. We have not space, however, and it is not our purpose here, to furnish a complete catalogue of the distinguished members of this family, but to consider briefly the remarkable career of one of its later representatives.

Returning to the grandfather of

Gen. Burnett, we find him a man of rare culture and polish for the times in which he lived, college-bred and a gentleman of wealth and leisure. But there was also latent in his character the stern will-power and rugged self-reliance which had earlier enabled his Puritan ancestors to contend successfully against the obstacles of a new country. Finding himself impoverished by his patriotism, he left the States shortly after the close of the Revolution, and removed with his family as far west as the territorial wilderness of northern Ohio. For many years a severe struggle for existence ensued, and while he succeeded in establishing a substantial pioneer home, he could not confer upon his children the educational advantages he had enjoyed, nor create about them the atmosphere of culture he had learned to breathe. Consequently, the father of General Burnett manifested more of the rugged force, and less of the polished, gentle bearing and habits of mind of the grandfather. Yet the father, notwithstanding, was a remarkable man. He was a builder, contractor and farmer, and while devoid of anything more than the merest rudiments of an English education—not having mastered the simple principles of arithmetic in schools—he yet had devised an original system of mathematical calculation which answered all the purposes of his business. When Henry had mastered not merely arithmetic, but the higher mathematics, he found his father's methods of computation as convenient and accurate as any rule in the books.

The tastes and propensities of the son, however, reverted to the grand-

father rather than to the father. The later discouraged him in the acquirement of any education beyond that comprised in the very limited curriculum of the primitive district schools, wishing him to follow a business career rather than a professional life. But the boy's tastes inclined him to study, and his aspirations pointed to a professional career. As a spur to his ambition he had the example of the brilliant career of a man of his own name in Ohio, a first cousin of his grandfather, Judge Jacob Burnet, already mentioned. This man was an able lawyer and jurist, a judge on the bench, a State Senator in the early Ohio Legislature, and the author of "Notes on the Early Settlements of the Northwestern Territory"—one of the most valuable and interesting contributions to the early history of that region.

The determination of the father that his son should follow his own homely business, and abandon his dreams of education and distinction, at length aroused the resolution of Henry, who seemed to have been born with his full share of the hereditary will-power. Accordingly, one night, he stole out of the loft where he slept, and with a bundle of clothes, forty-six dollars in his pocket which he had carefully saved, and two books, "Thaddeus of Warsaw" and the "Lady of Lyons," he left his home and set about the realization of his own dreams. He was fifteen years of age at the time. He traveled one hundred miles on foot to Chester Academy, where James A. Garfield was then a student. His expenses while studying here were about \$1.25 each week, which he partly met with

his earnings by ringing bells, building fires, and turning his hand to whatever odd jobs offered a chance to make a penny. His fellow student, Garfield, as he learned, managed on a still smaller outlay, having formed a partnership with three other students who took turns at cooking for the squad, and thus boarded themselves on about fifty cents per *capita* each week. Young Burnett continued his studies, later on, at Hiram Institute, where for a time, Garfield was his tutor. Afterwards he entered the Ohio State and National Law School, graduating in 1859.

Immediately upon his admission to the bar in 1860, he began the practice of law at Warren, the county seat of Trumbull, his native county (he was born at Youngstown, December 26, 1838). But just at this juncture the war cloud of the Rebellion burst over the country, and he enlisted in response to one of the earliest calls for volunteers. An incident connected with this act is worthy of record as illustrating the courage, energy and impetuosity in action which afterwards characterized his service to the country. The first command of cavalry enlisted in Ohio was authorized to be raised by a special concession from the War Department to Senator Ben Wade and Congressman John Hutchins. The call to enlist was for volunteers who should bring horses with them, for which they would receive pay at the hands of the Government. In response to this call a company—afterwards organized as Company C. of the Second Ohio Cavalry—gathered at Warren, Ohio. Here the men were astounded to learn that in exchange for their

horses, certificates or receipts were to be given in lieu of cash, the time of payment being in the discretion of the Government. The dissatisfaction was general. A large part of the men had come in the hope of leaving behind them the prices of their horses for the support of their families. Many refused to enlist. They were upon the point of scattering for their homes when one of their number, the young lawyer Burnett, mounted a fence and shouted: "Those who go into this war to fight for the cause, and not to sell their horses, follow me into this yard!" For a moment the men hesitated, and then amid cheers, one after another, guided their horses into the station yard, and drove aboard the waiting train. Only two or three of the number remained behind. The main body proceeded to Camp Taylor, at Cleveland, Ohio, where they were mustered into the service with young Burnett as their duly elected Captain. Of this Company, Captain Burnett was twenty-three years of age, the first lieutenant John Hutchins, Jr., son of the Congressman, was a year younger, while twenty of the men were students from Mount Vernon Academy.

The Second Ohio Cavalry, under command of Colonel Doubleday, was sent to Missouri, and took an active part in the battles of Carthage and Fort Wayne and accompanied the expedition into the Cherokee Country, through Arkansas and Indian Territory. The command of this expedition devolved upon a Colonel Weir, who was utterly incompetent at the time, by reason of his intemperate habits. He finally left his men stranded on the prairie near Fort

Gibson, Arkansas, in a starved and dying condition, cut off from their base of supplies and all communication with the rear, while he indulged in prolonged dissipation. In this emergency, a Council of the Colonels of regiments composing the command was held, and resulted in the arrest of Colonel Weir. Major Burnett was detailed with a squad of men to make the arrest. He also prepared the manifests, issued to the soldiers in defense of this action by Col. Salomon of the 9th Wisconsin. Major Burnett was also dispatched to proceed with all speed ahead, along the line of retreat, and inform General Blunt at Fort Leavenworth of what had been done. Colonel Weir, released from custody by some blunder on the day following Major Burnett's departure, discovered the latter's destination and a long race of about 200 miles occurred between the two men, as exciting and romantic as any incident of the war. By a fortunate combination of energy, ingenuity and good luck, Major Burnett succeeded in getting the ear of General Blunt a few minutes before Colonel Weir's arrival, thus permitting him to file prior charges, and save the troop and his brother officers from summary treatment as mutineers.

General Burnett also served under General Burnside during a part of the Knoxville campaign, and was promoted from time to time to the rank of Brigadier-General. In July, 1863, Capt. J. M. Cutts was relieved from duty by General Burnside as Judge-Advocate of the Department of the Ohio, and ordered to be himself tried by court-martial. General

Burnside sent to the front for an officer to act as Judge-Advocate in Capt. Cutt's case, and Major Burnett was selected, the appointment being promulgated as follows:

"General Orders No. 117.

"Hdqrs. Department of the Ohio.

"Cincinnati, Ohio, July 20, 1863.

"Major Henry L. Burnett, Second Ohio Cavalry, is hereby appointed judge-advocate of this department, to date from the 16th inst., and will be respected and obeyed accordingly. He will have his office at 53 East Fourth street.

"By command of Major General Burnside.

"Lewis Richmond,

"Assistant Adjutant-General."

General Burnett's conduct of the case of Capt. Cutts, resulting in the conviction of the latter, gained him no little reputation, and he was confirmed in the position of Judge-Advocate of the Department of the Ohio by appointment from Washington. His jurisdiction was eventually extended to the Northern Department, that Department and the Department of the Ohio being merged into one. The duties of this position were onerous and entailed great responsibility. Among many important cases tried by him, the conviction of F. W. Hurtt was almost as notable as that of Capt. Cutts. Upon the application of Governor Morton of Indiana, he was detailed to try the famous cases of the Indiana conspirators, and he presided in these cases at Indianapolis by day, and traveled to Cincinnati each night to direct the work of the clerks in his department, instruct the judge-advocates under him, and examine and correct all papers before proceedings

were begun in the various cases to be tried. The Department of the Ohio included the States of Kentucky, Tennessee and West Virginia, while the Northern Department embraced the great northwestern states where were situated nearly all the government military prisoners. Cases were constantly arising for trial in connection with these prisons.

The burden of work thus thrust upon General Burnett's shoulders might easily have occupied the entire attention of a half dozen men. Scarcely had he finished the Indiana case, when the trial of the still more notorious Chicago Conspiracy was forced upon him. This proved to be a wide-spread and cunningly planned scheme to liberate and arm the large force of Confederate prisoners at Camp Douglas. In order to secure the service of General Burnett's abilities and experience, the defendants and witnesses in this case were brought from Chicago to Cincinnati. The strain upon him had become almost unendurable, yet while he was in the very act of delivering his closing address in the Chicago case, a telegram was handed him from Secretary Stanton, summoning him to Washington at once to take part in the trial of the Lincoln assassins. The part he performed in this capacity is a matter of National knowledge. With Judge Holt and John A. Bingham he shares the distinction of convicting the conspirators, and of exposing the connivance of famous Confederate officials at the same or similar attempts upon the chiefs of the Federal Government. General Burnett was appointed to prepare the official account of this trial, and the

large volume published by the War Department, "The Assassination of President Lincoln and Trial of the Conspirators," was compiled under his supervision by the well-known stenographer Mr. Benn Pittman.

In two interesting papers, read before meetings of the New York State Commandery of the Military Order of the Loyal Legion, December 5, 1888, and April 3, 1889, General Burnett carefully sets forth two important phases of this famous case, and completely refutes slanders which have long assailed the reputations of two of the most honorable officers concerned, General Hancock and Judge-Advocate-General Holt. These papers have been published by the Loyal Legion. The first, on "General Hancock's Relation to the Trial and Execution of Mrs. Surratt," disproves the oft reiterated assertion that General Hancock, then commanding the Middle Military Division of Washington, refused to surrender Mrs. Surratt on a writ of *habeas corpus* issued by Judge Andrew Wylie, of the Supreme Court, and conclusively shows that the refusal to surrender the woman was by order of President Johnson, Commander-in-chief of the Army and Gen. Hancock's military superior; whereas Gen. Hancock appeared before Judge Wylie, delivered the President's order, and was himself excused by the court from all responsibility, Judge Wylie declaring that the Court had "no fault to attach" to him. The other paper on "The Controversy Between President Johnson and Judge Holt," is an equally conclusive exoneration of Judge Holt in the question of veracity between him and President Johnson as to whether the Judge-

Advocate had withheld or suppressed the recommendation to mercy of Mrs. Surratt, signed by five members of the commission of nine which condemned the conspirators to death and imprisonment. These papers, from the hand of one of the persons most intimately connected with the history of the assassination trial, are not alone able and intensely interesting to the reader, but timely and important in setting at rest for the future historian some mooted questions which grew out of the affair.

After the conviction of the Lincoln conspirators Gen. Burnett undertook some special work confided to him by the War Department. When this was completed in December, 1865, he resigned from the Army, and began the practice of law in Cincinnati in association with Judge T. H. Bartley, late Chief Justice of Ohio. In 1867 Judge Bartley removed to Washington, while Gen. Burnett formed a new partnership with ex-Gov. Jacob D. Cox and John F. Follett, of Cincinnati. This association continued until 1872, being only interrupted during the period from March, 1869, to sometime in 1870, when Gov. Cox served as Secretary of the Interior in President Grant's Cabinet. During these years, from 1865 to 1872, Gen. Burnett enjoyed a large and lucrative practice, mainly in the United States Courts. During the latter year he removed to New York City, and immediately took a strong and influential position at the bar of the metropolis. Sometime in 1873 he was appointed associate attorney and counsel of the Erie Railway Company. He gave his entire time and services in this capacity throughout

the administration of the Hon. Peter H. Watson, as President of the Company, but resigned his position in 1875, when the Hon. Hugh J. Jewett succeeded Mr. Watson.

At this juncture Gen. Burnett once more resumed the general practice of law in partnership with Hon. B. H. Bristow, William Peet and W. S. Opdycke. He subsequently withdrew from this firm, and formed a partnership with ex-Judge James Emott, which continued until the latter's death several years later. Since that time he has been associated in practice with Mr. Edward B. Whitney. The General's law practice has always been important and eminently successful, and he has been identified with many notable cases, not alone in New York State, but in various other parts of the country. He was counsel for the English bondholders in the famous Emma mine litigation. Among the opposing counsel was the Hon. Edward J. Phelps. The final result was in favor of Gen. Burnett's clients—the English bondholders. He was also associated with Hon. A. F. Walker, and made the closing argument, in 1885, in the celebrated case of the Rutland Railroad Company *vs.* ex-Gov. Page, of Vermont. The plaintiff sought to recover from the Governor something like four millions of dollars, and the evidence covered the review of Gov. Page's transactions for a period of twenty-five years, and the handling of over fifty millions of dollars. The trial—in actual progress for nearly three months—was one of the most heated and exciting legal battles ever fought in New England. "It is the most

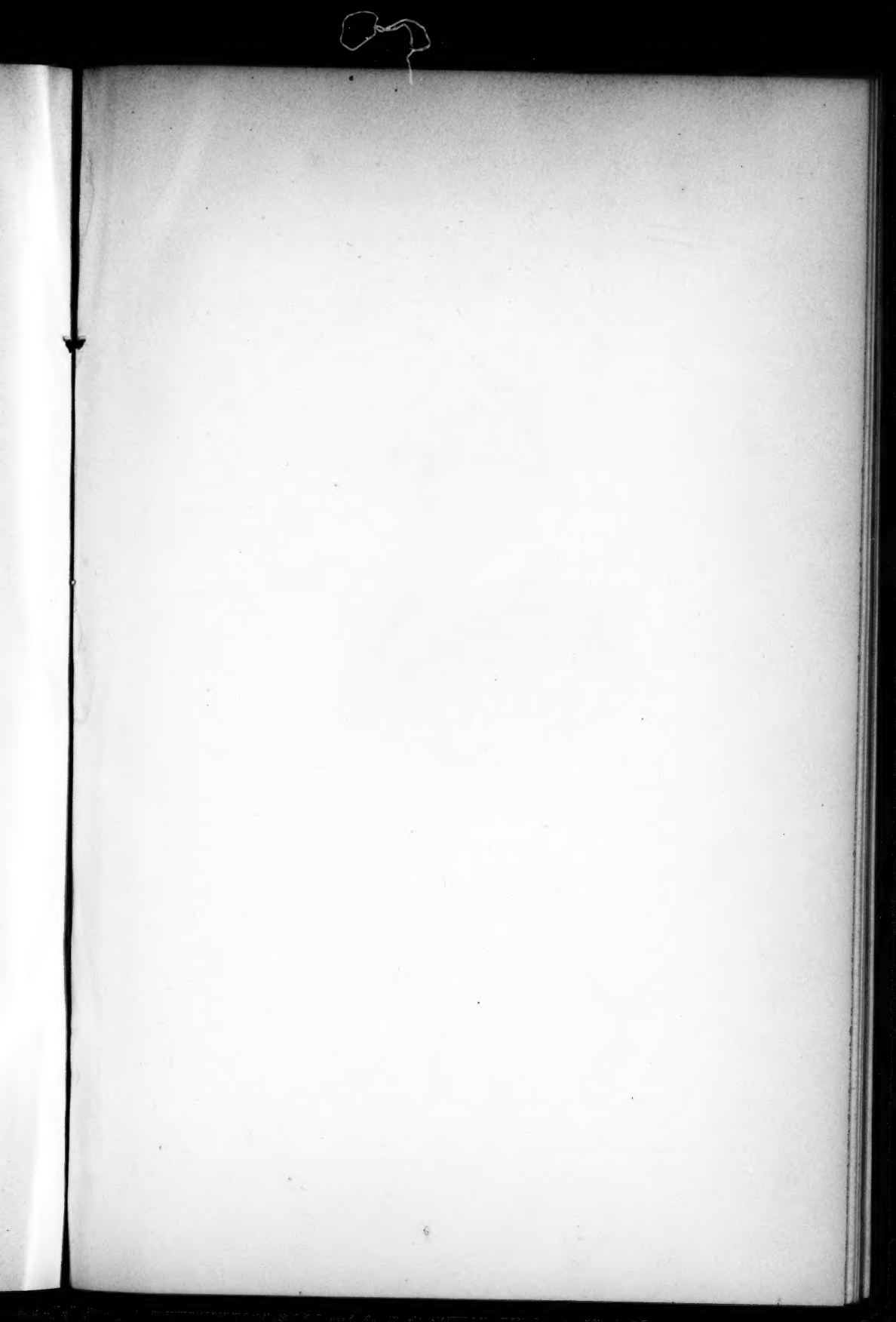
important civil suit on the docket for trial," declared a journal at the time, "since the celebrated case, heard in 1824, in which Daniel Webster was one of the counsel." The resulting mental strain and tension caused the sickness or death soon after of several persons concerned. But although he had been most active throughout the entire case, the wonderful constitution which had before served him so well during his extraordinary services as Judge-Advocate, once more stood Gen. Burnett in stead, and he merely suffered a short mental exhaustion which a few weeks of rest entirely dissipated.

At the outset popular prejudice was quite formidable against Gov. Page, but as the case progressed, a revolution in sentiment ensued, with the result of a complete victory and vindication for the Governor. This case attracted the attention of the press throughout the country, and especially in the city of Boston. Many references to Gen. Burnett's management of the defense and final argument, of a character highly commendatory and complimentary, appeared in the leading journals. Concerning his skill in cross-examination, one editor bears this testimony: "Even if Gen. Burnett had won no previous reputation in the legal forum, the consummate ability displayed in conducting the defense of Gov. Page would stamp him as the peer of the greatest advocate of the age. The cross-examination of the expert McLaughlin—conducted so courteously and gentlemanly that the witness was repeatedly falling into the error that the examiner was Clement's counsel,

and yet so turning the expert's testimony that it became evidence for the defendant—is but one instance of the ability of the man." "Keen, polished," remarks another editor, "with perfect confidence in himself, his case and his client, a few sentences from Gen. Burnett will clear away the cobwebs from a law point in a very few minutes."

Space does not permit us to dwell upon other numerous and important cases which Gen. Burnett has tried. In politics the General has always been an ardent Republican, doing more or less work on the stump in various states in every national campaign. He has never held civil office, however, having never been an applicant, nor allowed himself to become a candidate for political preferment. He has preferred an independent and remunerative law practice to any official position.

Gen. Burnett is a member of a number of Clubs, including the Union, Colonial, Century and Metropolitan. He is first Vice-President of the Ohio Society and for several years was President of the Land and Water Club. His wife, a lady of great literary culture and high social position, was formerly Miss Tailer—of one of the old Washington Square families of New York City. She is descended from Governor Tailer, who was Governor of Massachusetts during the Colonial period. Gen. Burnett also possesses the most pleasing social graces, and is a happy after-dinner speaker, these qualifications well fitting him for the high social functions in which he is concerned.





W. S. Southard

Eng. by E. G. Williams N. York

HON. MILTON I. SOUTHARD.

AT the last annual election of officers of The Ohio Society of New York, the Hon. Milton I. Southard was unanimously chosen as a Vice President, an office which he had formerly held in the society.

Mr. Southard forms one in that striking group of Ohio's sons, who have cut out for themselves eminently successful careers in the great metropolis of New York. He was formerly a prominent young lawyer of Zanesville, Ohio, and served his native State for three successive terms in Congress. In 1881 he removed to New York, and at once took rank as one of the successful lawyers of the City. While taking kindly to his new field, he maintains the deepest interest in his native State, is jealous of her reputation, and proud of the achievements of her people.

He was born at Perryton, Licking County, Ohio, on October 20, 1836, and comes from an ancestry honorably identified with the history of the country. He is one of a family of four brothers and one sister (James M., John Q., Anna M., Milton I. and Frank H.) who grew to maturity. While the father was engaged in the blast furnace business in early life, and later, in agriculture, the four sons embarked in the learned professions, two in medicine and two in the law, and all of them rose to eminence in their respective fields.

The family is of English extraction. The first in America was Thomas Southard, one of the early settlers of Hempstead, Long Island. His name

frequently appears in its annals, and occurs in an old list of landholders of that hamlet as early as 1657. Nearly a century later his descendants were settled in New Jersey, and several of them subsequently became distinguished in professional and official life.

Abraham Southard, the grandfather of Milton I., was born in Somerset County, New Jersey, and was related to Senator Samuel L. Southard of that State. He removed to Washington County, Pennsylvania, and there married Elizabeth Hull, daughter of Francis Hull, who was slain by the Indians toward the close of the last century, while on an expedition down the Ohio River. In 1805, the grandfather, passed on to Licking County, Ohio, accompanied by his wife and several children, among whom was Isaiah Southard, the father of Milton I. The latter's mother was Elizabeth Parnell, of Irish descent, born in Baltimore, Maryland, and was the daughter of James and Achsah (Stocksdale) Parnell.

Mr. Southard received the rudiments of his education in the common schools of his native county, but as he attained a suitable age his father placed him in more advanced institutions. He at length passed through the classical course at Denison University, Granville, Ohio, graduating in the year 1861. He stood high in his College classes, acquired mathematics, languages and sciences with equal facility, and was especially fond of literary and oratorical exercises.

He commenced the study of law immediately after his graduation from college, and was admitted to the bar in 1863. He first began to practice his profession at Toledo, Ohio, in partnership with his college classmate, Wm. H. Ingraham.

The first cause which he was called upon to try, was a small damage suit against a railroad company, and the Hon. M. R. Waite, afterwards Chief Justice of the Supreme Court of the U. S., was opposed to him, as counsel for the Company. The young lawyer gained his cause, and for his clever effort, received the hearty congratulations of his distinguished opponent. A few years later, the two gentlemen met often at Washington City, the one as a representative in Congress, the other as Chief Justice of the highest Court of the land.

In 1866 he removed to Zanesville, Ohio, and formed a law partnership with his brother, Frank H. Southard. The brothers were immediately successful and were soon entrusted with the most important litigations in that locality.

In 1867 Mr. Southard was elected Prosecuting Attorney for the county (Muskingum) and was re-elected to the office for a second and third term. He performed his duties with signal ability, and grew rapidly in public favor.

He was then and ever has been identified with the Democratic party, and from the first took a deep interest in political and economic questions. In the Democratic Convention of his district to nominate a candidate for Congress in the summer of 1872, the several rivals manifested a

strength so nearly equal in the Convention that it became apparent none of them could secure a majority. In this emergency a compromise candidate was sought, and the selection fell to Mr. Southard with great unanimity. Opposed to him was, Judge Lucius P. Marsh, a veteran jurist, an eloquent orator and an experienced campaigner; and the Republican managers, taking advantage, as they supposed, of the inexperience of the Democratic nominee, issued a challenge to Mr. Southard to meet the Judge in joint debate in a series of public meetings. The challenge was promptly accepted. In the debates which followed, while the eminent Judge fulfilled the high expectations of his friends, the young lawyer surprised both his political supporters and opponents by his thorough knowledge of political history and party principles; and by his readiness, skill, force and eloquence in debate. Instead of being disparaging to Mr. Southard, this series of debates at once established his reputation as one among the foremost of the political orators of that truly great State. It is unfortunate that the "stumping" of the contested field in company by the rival aspirants, which formed so picturesque a feature of the political campaigns of a generation or so ago, should have fallen into such disuse in this day, especially in the north, for it tends to enlighten both parties in the real principles of each by their presentation face to face in the most striking and attractive manner. As a result of the contest, Mr. Southard was elected to the 43rd Congress from the Zanesville district, which

included his native county of Licking.

He served with credit in this Congress, and was especially active in his opposition to the measure which was popularly known at that time as the "force bill." The measure was designed to secure partisan advantage, and was revolutionary in character, but was only defeated by one of the most determined parliamentary struggles which was ever carried through in the American Congress. Mr. Southard was one of a small nucleus of Democrats, who never left the floor from the opening of the day's session on Wednesday till the final relinquishment of the contest by the Republicans at noon of the following Friday. Chief in command in this parliamentary warfare was that veteran Democrat, Samuel J. Randall, and the victory gave to him the Speakership in the following Congress.

Mr. Southard's course was so highly satisfactory to his constituents that he was renominated by acclamation and elected to the 44th Congress. In this body he took higher rank, and was made Chairman of the Committee on Territories, and a member of the Committee on the Revision of the Laws of the United States, in which positions he showed special capacity and won the high esteem of his able associates.

In 1876, he was elected to the 45th Congress. In this body he served on the "Committee of Education and Labor," and was made Chairman of the important select "Committee on the State of the Law respecting the Ascertainment and Declaration of the Result

of Election of President and Vice-President." He took the greatest interest in the questions brought before the latter Committee. After a thorough examination he became convinced that the Constitution needed amendment as a remedy and safe-guard against great and growing evils in the practical workings under the existing method of election of President and vice-President.

Through the operation of what is known as the "general ticket system," whereby the presidential electors for each State are not only selected *in solido* by a mere plurality of the popular vote of the State, but are also virtually instructed to cast their ballots for the candidates of the political party securing such plurality, come as a natural and logical result, the "pivot States" to be fought for by the contending parties, and captured by fair means or foul.

As Chairman of the Committee having the subject in charge, and with the approval of the majority, Mr. Southard reported an Amendment to the Constitution, abolishing the existing presidential electors and substituting in their stead "Electoral votes" in each State, in the same number as the existing presidential electors—these "Electoral votes" to be ascertained by a direct popular vote for the candidates in each State, and by the apportionment of such "Electoral votes" among the respective candidates in proportion to the number of popular votes cast for them, carrying the computation to three decimal points for sufficient accuracy.

Under this plan, a slight increase of the popular vote of either

party in any given State, would cease to be of any special value or significance in the general result, because it would require several thousand popular votes as the measure of one electoral vote, whereas, under our present system, the mere matter of a dozen votes or even of one vote, may shift a state from one column to another, and so determine the election for an entire nation. Thus, in 1884, Mr. Cleveland received the whole electoral vote of the State of New York, and became President through a mere plurality of 1,047 out of a total vote in the State of 1,125,049, while the question would have been decided the other way, had the opposition secured for the Blaine electors 524 of these popular votes. This instance illustrates the opportunities and inducements offered by our present system to party managers to put forth their strength to capture a few thousand or a few hundred votes in a single pivotal State, like New York, knowing that these few votes will probably decide the contest, even in the face of a generally adverse popular verdict throughout the country. Thus each individual ballot in the doubtful State possesses large commercial value, and the purchase of votes inevitably follows. The magnitude and boldness which the corrupt use of money has assumed in Presidential elections in recent years, alarm all thoughtful and patriotic citizens, and make this question of Amendment of the Constitution of vital interest.

But the benefits to flow from the proposed plan are not confined to the voting alone, but are equally

potent in ascertaining and declaring the result. On this point Mr. Southard, in advocacy of the measure, well said:

"Fraud to be attempted must be capable of being committed with the hope of gain as well as the hope of concealment. Under our present system the change of a single popular vote in a State may determine the whole electoral vote of the State, and a few hundred or a few thousand popular votes at most will carry the whole electoral vote of the pivotal State for a particular candidate.

The falsification of so small a portion of the popular vote is easily effected and readily concealed. But under the system here proposed no such result can happen. To change a single electoral vote in a State it requires a change of the popular vote equal to the ratio of the popular vote to an electoral vote in that particular State, which amounts to many thousands."

The plan of appointing the electors by a vote of the people in the congressional districts, Mr. Southard, condemns on the grounds that these districts are not fixed geographical divisions, but are liable to be gerrymandered with a view to party advantage; and that enough of them to turn the scale, would fall within the category of doubtful or pivotal districts and so be obnoxious to the same objections as the pivotal states under the present system; and he also disapproves of the plan of electing these highest officials by a direct popular vote throughout the whole country, for the reason that it would tend to foster undue popular excitement, and to induce over-zealous, partisan exertions

to secure an increased vote everywhere and above all to falsify the returns in many localities in which either party might hold the sole or chief control of the election machinery.

The limits of this sketch will not admit of the full exposition of this subject which it deserves. The entire plan was carefully presented in all its aspects by Mr. Southard in a speech made on the 14th of February 1879, in the lower House of Congress. Any one interested can find his lucid and forcible discussion of the question in the Congressional Record of that period. In other directions Mr. Southard served with ability and distinction throughout his Congressional career, taking part in the House debates on currency, civil rights and other important subjects.

In 1876 Mr. Southard was married to Miss Virginia Hamilton, daughter of Hon. Robert and Sarah A. (Edsall) Hamilton, of Newton, New Jersey. She is of Scotch-Irish descent on her father's side and English through her mother. Her father was a lawyer, by profession, and he served as Speaker of the Assembly of New Jersey and as a representative in the 43rd and 44th Congresses from that State.

Her paternal grand-father, Hon. Benjamin Hamilton served with distinction as a member of the Governor's Council of New Jersey, and also as State Senator and Assembly-

man. On the other side Hon. Joseph E. Edsall, her maternal grand-father, filled many positions of official trust in his county and State and was a representative in Congress from New Jersey from 1845 to 1849. Her great-grand-fathers, James Hamilton and James Edsall, were soldiers in the Revolutionary war. Mr. and Mrs. Southard, have one son, Robert H. Southard.

On his removal to New York Mr. Southard formed a law partnership with General Thomas Ewing, and has continued ever since in that relationship. His practice has involved most important interests, and has extended to the highest Courts, State and Federal.

In business Mr. Southard is active and capable. He is a director in the Merchants National Bank, of Newton, N. J., a stockholder in The Farmers Bank, of Marysville, Ohio, and is connected with several other business corporations as director, officer or stockholder, but he devotes his energies principally to his profession. He is a man of marked ability, unimpeachable integrity, of strong will and honorable purposes, and gifted with power and eloquence as a forensic orator. He not only possesses those strong characteristics which fit him to excel in his business and profession, but also, to an eminent degree, the gentler virtues and graces which adorn social and domestic life.

LEANDER H. CRALL.

ONE of the first members of the Ohio Society—a charter member, its treasurer and one of its trustees—Mr. Leander H. Crall, has been from the outset intimately associated with the growth and prosperity of the organization, and cherishes a lively faith in its future usefulness and increased influence.

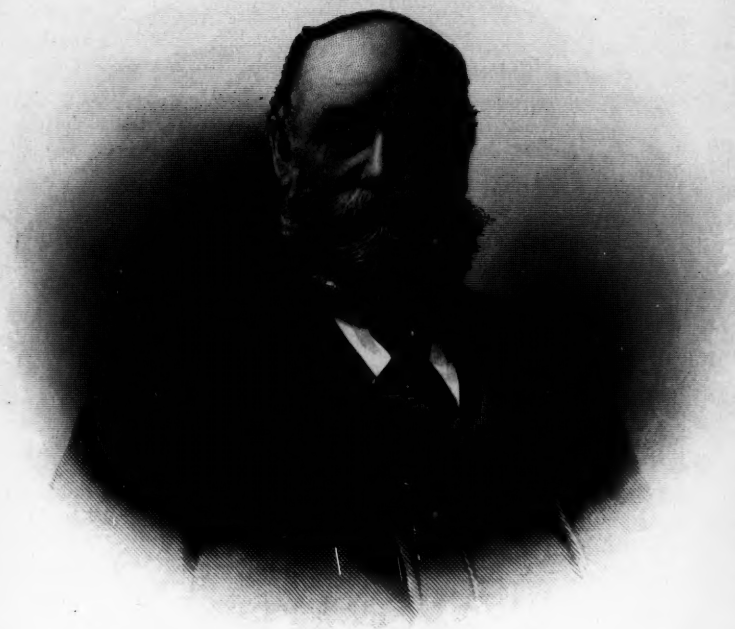
As the eastern representative of four great newspaper enterprises, Mr. Crall maintains an active relation with Ohio men and western influences generally. Thus his career is especially interesting. While entering cordially into the life of the metropolis, he still keeps in daily touch with the spirit of the home region. If the design of the Ohio Society, as its first President declared, is to make its rooms a pleasant rendezvous for members and their friends, where the ideas and policies of the east and west may meet in intelligent and friendly encounter, then Mr. Crall, by virtue of his chosen life-work, is most happily situated to promote the ambition of the organization.

Though closely identified with Ohio from early boyhood, Mr. Crall is not a native-born "Buckeye." He was born at Harrisburg, Pennsylvania, April 14th, 1835, where his father, Rev. David Crall, a Methodist minister, was stationed at the time. Mr. Crall comes from an ancestry identified with the early history of the country, and which is typically American from the fact of its mixed nationality. His father was born in Frederick County, Maryland, where his grandfather, Isaac Crall, and his great-grandfather, Nicholas Crall,

lived and died. Nicholas Crall belonged to that large class of German Palatinates, who were attracted to America throughout the last century by the religious and civil liberty which the liberal charters of Pennsylvania and Maryland extended to them.

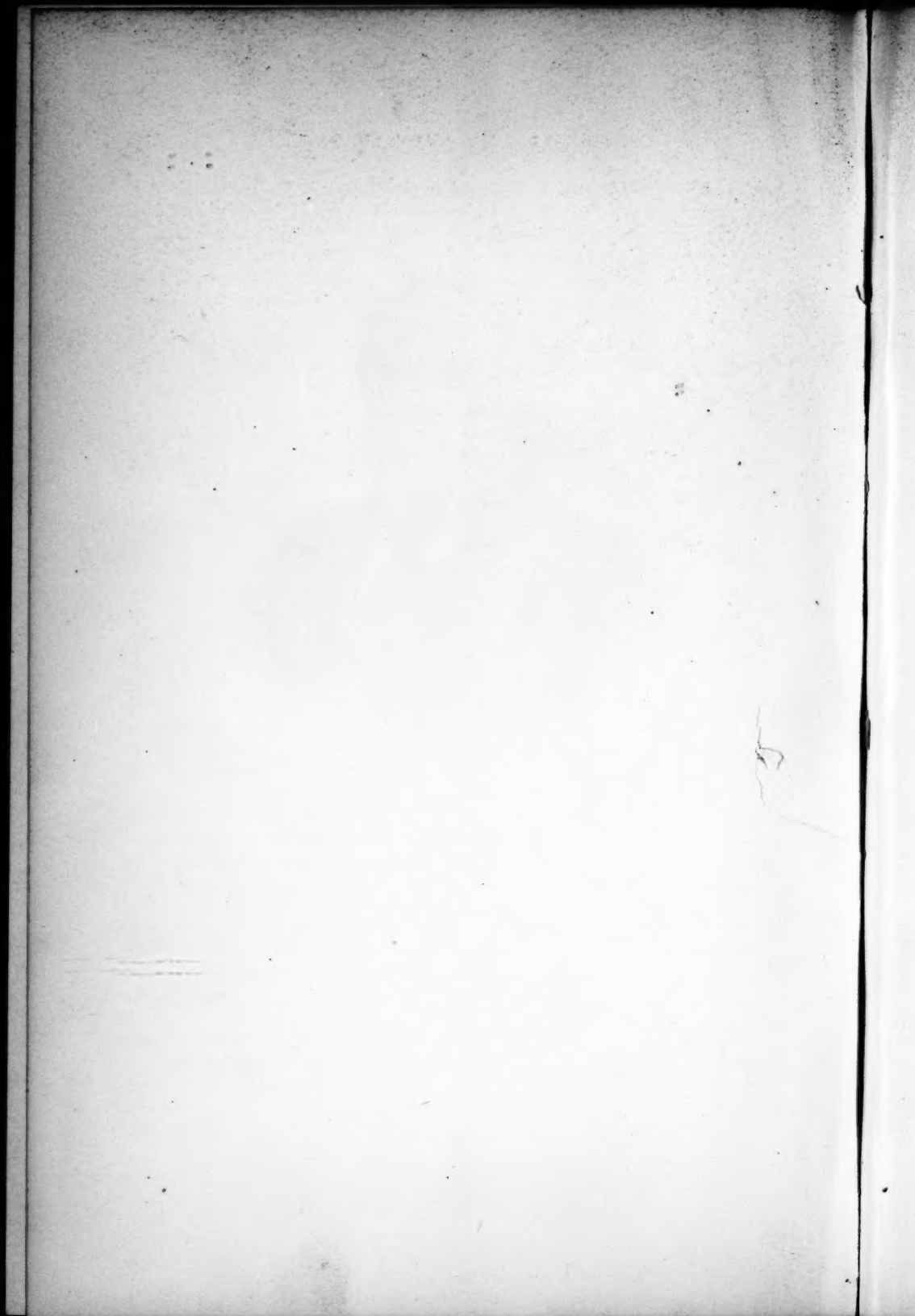
Nicholas Crall settled in Maryland prior to the Revolution. The old Frederick County Land Records are still preserved at Frederick, Maryland, and in one of these, under the date of June 28, 1773, we find a record of the purchase by Nicholas Crall, for £150, of a tract of land called "Longatepaugh," which afterwards became the family homestead. This estate was on the outskirts of the present village of Mechanicstown, and descended to Nicholas' son, Isaac. The latter had eight children, of which the eldest, David, born March 7, 1798, was the father of Leander H. In accordance with the wishes of their parents most of these brothers entered professions, David choosing the ministry. We shall give a brief outline of his career further on, since it concerns Leander's boyhood, but must first glance at some of the other ancestral lines.

Mary Matthews, wife of Isaac Crall, was descended from an old English family of that name, which had been identified almost from the first with the history of provincial Maryland. Leander's mother, Mary Haff, wife of the Rev. David, came from an ancestry equally distinguished. She was a daughter of Abraham Haff, of Fredericktown, and grand-daughter of Major Abraham Haff, of Revolution-



Leander H. Crall

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ary fame. Major Haff kept a tavern near Frederick prior to the Revolution, and figures in the old records in many official positions. When the war broke out he became an officer in the Maryland militia, which played so important a part, under Gen. Greene, in the southern campaigns against Cornwallis. When first commissioned, Haff was Quartermaster of the Fredericktown Battalion of Frederick County Militia. Later on he became captain of a company, and on May 12, 1779, was made Major of the Battalion.¹ Major Haff was one of the sons of Lawrence Haff, who owned an estate at Kingwood, Huntington County, New Jersey, where he died in 1762. Lawrence Haff, in turn, was descended from an old Dutch family which appeared on Long Island previous to 1690. The wife of Major Haff, Jane Beatty, introduces us to another old family. The Beattys were of Scotch descent, the grandfather of Jane, John Beatty, having settled at Marbletown, in Ulster County, New York, in the seventeenth century. His name appears on one of the old returns for Sheriff of Ulster County, preserved at Albany, for the year 1692. A number of the descendants of this man were commissioned officers in the Revolutionary War.

Returning to Mr. Crall's father, we find him a man of great energy and force of character. He was one of the founders of the Methodist Protestant Church, being among the original seceders from the Methodist Episcopal Church. He was serving the former denomination during his pastorate at Harrisburg,

where Leander was born. A little later he went to Lawrenceburg, Indiana, to take charge of Dearborn College, a Methodist Protestant institution of which he had been elected President. But soon after his arrival at Lawrenceburg his home was consumed by fire, his family barely escaping with their lives. From this point he was sent, successively, to New Richmond and Springfield, in Ohio; while in October, 1841, he removed to Westminster, Allen County, in the same state, where the boyhood of Leander was chiefly spent. The latter's first recollections are of this spot. His father, having retired from the ministry, became a merchant in the village. He also built flour and saw mills, and conducted a farm in the neighborhood.

Possessed of unusual moral and physical courage, Rev. David Crall was a prominent figure in the rude society of the new country. He was earnest and radical by nature, an enthusiastic abolitionist, and the founder of the first temperance society in that locality. Thus he was cordially respected, feared and hated in turn by the various elements which constitute pioneer life. The stories of Eggleston, with their homely but graphic pictures of rude courtships and rivalries, brawls and dances, camp-meetings and muscular preachers, present an accurate likeness of the scenes amid which young Leander grew to manhood. The boy worked on his father's farm, and clerked in the stores and mills; chopped down trees, split rails, mowed hay and harvested grain with a sickle

¹ Taken from the "List of Militia Officers of the State of Maryland" (p. 12), in the possession of Johns Hop-

kins University. This data was transcribed by the Librarian of Johns Hopkins' from original documents.

in true primitive fashion, meanwhile obtaining the rudiments of knowledge from the district school. As he approached manhood, he manifested considerable interest in politics. He inherited much of his father's radical tendencies, and when the Republican party was organized in Ohio, under Salmon P. Chase, he was one of its most enthusiastic supporters, and spent much time, despite his youth, in electioneering during campaigns.

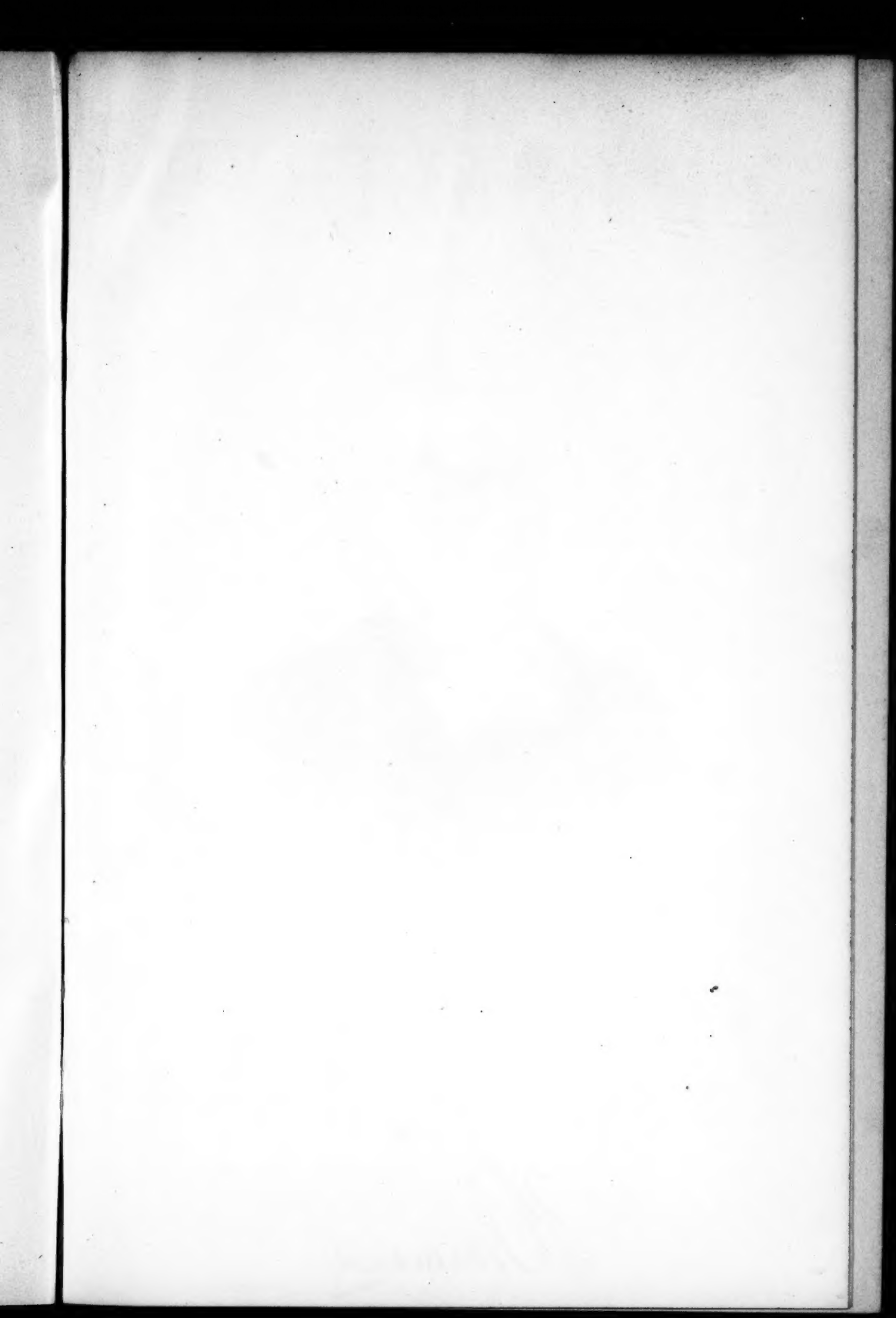
About this time his father sent him to Oberlin College. This decided his future. The limitations of a country life grew irksome, and when he left college, he engaged in the grocery and shipping business with his brothers. Here he was again active in political matters and became the associate of the famous Indiana politicians of that day. Through the influence of friends, he sold his business in 1860, and accepted a position in the Treasury Department, under Salmon P. Chase. Here again he made friends; but his ambition and energy again asserted itself, and after five years' service he resigned his position. He went to Cincinnati, and in connection with William Penn Nixon, Dr. Oliver Nixon, Hon. Benjamin Eggleston, Elias Longley, and William Henry Smith, established the Cincinnati Daily Chronicle, an afternoon newspaper. Three years later, upon the death of the proprietor of the Cincinnati Times, the Chronicle company purchased the Times property, and consolidated the two newspapers.

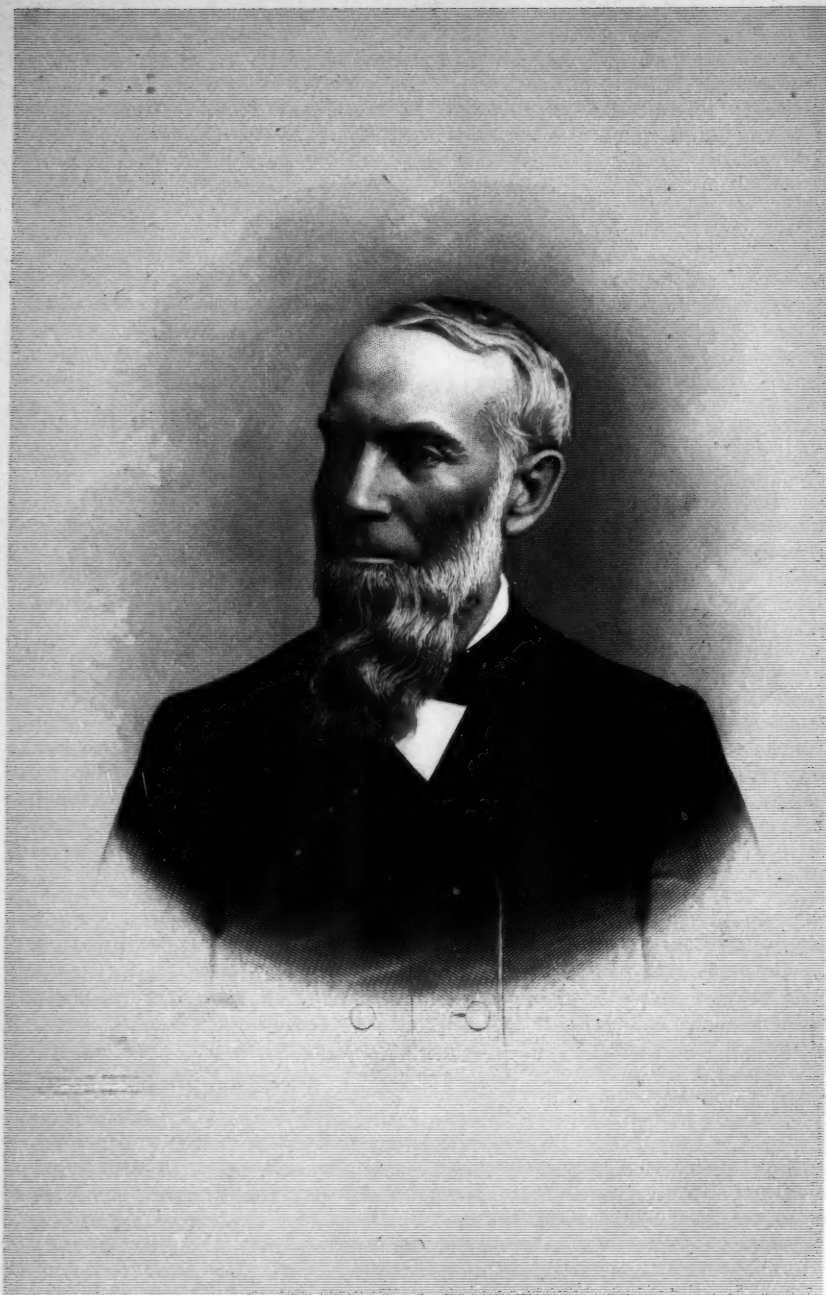
Shortly after the Chicago fire, the Nixons withdrew from the Chronicle,

and became connected with the Chicago Inter-Ocean, which was built upon the ruins of the Chicago Republican. In January, 1874, Mr. Crall also withdrew from the Times-Chronicle, and became interested with the Nixons. He came to New York as the eastern representative of the Inter-Ocean, and entered into a similar business relation with the Cincinnati Times-Star, the Cincinnati Enquirer and the Cleveland Leader. He has remained with the management of these great enterprises ever since, and has been most successful in building up a large and profitable business. It is doubtful if anyone in the City of New York enjoys to a fuller extent the unreserved confidence of those with whom he has business relations.

In 1864 Mr. Crall was married to Harriett A. Moore, a sister-in-law of Dr. W. H. Venable, at the latter's residence in Cincinnati, Ohio. He has one son living who graduated with honors from Yale University, and is now in business with his father, and also a daughter, who has just graduated from her school.

Mr. Crall takes an active interest in charitable and religious affairs. He is junior warden of Holy Trinity Church, Harlem, and a trustee of the Harlem Eye and Ear and Throat Infirmary. He has, for many years, been a member of the Lotus Club, and is a trustee of the Harlem Club. He is affable, hospitable and entertaining, and in making an acquaintance secures a friend. He is very generous, but gives so unostentatiously that few know of his liberality.





The Natural Magazine

J. H. Simms